



Wyong
Shire
Council
CENTRAL COAST

Planning Proposal

Planning Proposal – 107-111 Scenic Drive, Budgewoi and 223 Scenic Drive, Colongra



Budgewoi/Colongra

Request No. RZ/5/2014

July 2014

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Part 1 Objectives or Intended Outcomes

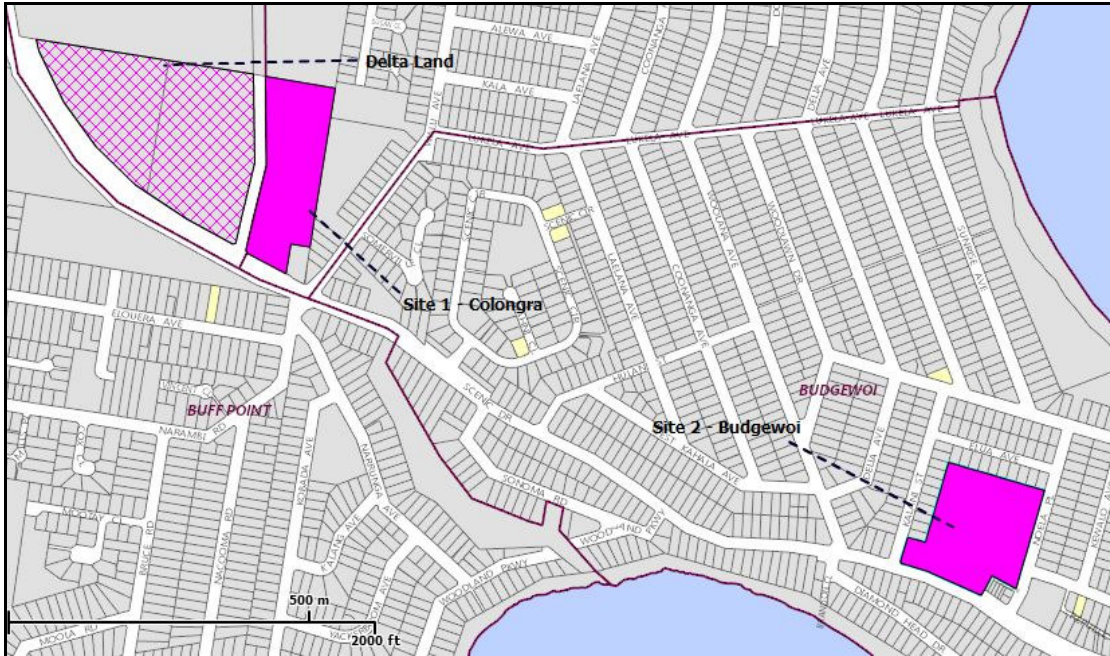


Figure 1 – Site map

Note: The proposal involves the development of two physically separated sites identified hereafter as Colongra and Budgewoi and as identified in figure 1 above.

1. To enable commercial development on the southern portion of the Budgewoi site.
2. To enable the rear portion of the Budgewoi site and two adjoining lots to the south west to be utilised for residential development.



Figure 2 – Proposed zone boundaries - Budgewoi

3. To allow for a service station or food and drink premises as additional permitted uses on the Colongra site.

Should the proposal be approved it is intended to relocate the existing sporting facilities on the Budgewoi site to a new sporting complex which will be located on the Colongra site and adjoining parcels owned by Delta Electricity identified as Delta Land in figure 1.

Part 2 Explanation of Provisions

Budgewoi

The proposed outcome will be achieved by:

- amendment to Wyong LEP 2013 zoning map on the Budgewoi site at 107-111 Scenic Drive Budgewoi, generally as identified in figure 2, providing for partial rezoning to R1 – General Residential and partial B2 – Local Centre. The area of the site currently zoned SP2 – Road and Traffic Facility is to be maintained.
- reclassification of the Budgewoi site from Community Land to Operational Land in accordance with the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Colongra

The proposed outcome will be achieved by an amendment to Wyong LEP 2013 Schedule 1 Additional Permitted Uses and Additional Permitted Uses map, making a service station and food and drink premises permissible on the subject site.



Figure 3- Shaded area shows cleared land that has been identified for additional permitted uses

Part 3 Justification

Section A – Need for the Planning Proposal

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

The Planning Proposal has been initiated as a result of negotiations with Woolworths stemming from advice from the Joint Regional Planning Panel on 23 December 2013 in relation to the Planning Proposal RZ/8/2012 to rezone Lot 1 DP 1049201 223 Scenic Drive Colongra from E3 Environmental Management to B2 Local Centre to allow for a supermarket, liquor outlet and service station on this site.

Joint Regional Planning Panel Advice (Annexure A)

In the report containing the JRPP Advice to the Minister the following relevant recommendations were made:

- The proposed instrument should not be submitted for a Gateway Determination*
- The Panel was satisfied there is sufficient demand for the supermarket development at Budgewoi. However, there are substantial town planning benefits in consolidating retail activities in the existing commercial precinct in Budgewoi. An alternative location out of centre would split retail activities into three nearby but not contiguous areas, leading to a less than ideal outcome. Relocation of the Halekulani Oval would allow the playing fields to be expanded, which would be a benefit to an expanding local community. The current proposal was therefore not supported given the alternative site adjacent to the existing centre.*
- The Panel encourages the proponent and Council to prepare a planning proposal for the Halekulani Oval site at Budgewoi which would include reclassification from community to operational land and rezoning to B2 Local Centre to enable the supermarket development.*
- The Panel considers the preparation of the Halekulani Oval planning proposal should be treated as a high priority by Council given the existing demand for new retail development and the proponent's readiness to progress a development to meet this demand.*

Budgewoi Masterplan

The Budgewoi Masterplan was adopted by Council on 11 December 2013. It provides a guiding document for public domain improvement works and development for Budgewoi. It offers opportunities to enhance the quality of the public domain, create dedicated public spaces, facilitate pedestrian and cyclist activity, encourage greater utilisation of public spaces, shape future development and enhance the distinctive character of Budgewoi. .

Section 6.4.2 of the Masterplan proposes that expansion of the B2 zone be investigated. While the Masterplan recommends investigating land to the north of Tenth Avenue opposite the existing village centre, it does not deter from investigating any other surrounding land for this expansion.

Section 7.0 of the Masterplan (Annexure B) outlines a number of recommendations for future land use planning. These include:

- *Allow a range of opportunities for retail, commercial, community and residential uses in appropriate locations.*
- *Ensure that land uses support the vision for the desired future character of Budgewoi, including appropriate and accessible community facilities.*
- *Encourage café and dining uses around the waterside street space in the East Village Centre and the Tenth Avenue retail frontage in the West Village Centre.*
- *Support active ground floor uses in the East and West Village Centres.*
- *Particularly in the West Village Centre, encourage residential or commercial uses above ground floor level in new development up to 3 stories in height.*
- *Extend the R1 residential zone proposed under Council's Draft LEP 2012 from the West Village Centre to Budgewoi Creek between Scenic Drive and Tenth Avenue / Michael Street / Natuna Avenue. The primary purpose of this proposal is to encourage somewhat greater intensity of residential development along Tenth Avenue, which will provide a greater degree of visual surveillance and activity for the Village Link.*

Budgewoi

The B2 and R1 zones allow for a range of opportunities for retail and residential uses within the commercial centre of Budgewoi. The site is accessible by road and foot and will still link in with the shared path network and proposed Village Link (proposed in the Masterplan to link the East and West Village Centres).

The proposed B2 Local Centre zoning on the Budgewoi Site provides for expansion of the existing commercial centre. While this is not on the land identified within the Masterplan it does adjoin the existing centre and ensures that commercial uses are contained within the West centre rather than an isolated site.

The proposed R1 Residential zoning on the northern portion of the Budgewoi Site and the two parcels in the south-west corner of the site will provide increased residential accommodation and extend the R1 zone further to the west increasing densities in and around the commercial centre which will assist in activating the area.

Colongra

The Colongra site is not included in the study area under the Budgewoi Masterplan. However, the proposed additional uses of a service station and food and drink premises on the Colongra site, while out of centre are unlikely to impact on the surrounding retail centres and are not contrary to the Budgewoi Masterplan. The site is located between the Budgewoi Commercial centre and the Pacific Highway.

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

Budgewoi

The majority of the site is currently zoned RE1 - Public Recreation under Wyong LEP 2013 which does not permit shops or residential accommodation. Therefore a Planning Proposal will be required to achieve the intended outcome.

In addition the Budgewoi land is identified as Community Land and will require reclassification to Operational Land to permit the redevelopment and sale of the land.



Figure 4 – extract from current Wyong LEP 2013 land use zone map – Budgewoi (subject site hatched)

Colongra

The subject site is zoned E3– Environmental Management under Wyong LEP 2013. A service station and food and drink premises are currently prohibited on the subject site. Therefore a Planning Proposal is required to achieve the intended outcome.

The use of Schedule 1 – Additional Permitted Uses, allows Council to be reasonably certain as to the potential impacts of the proposal as opposed to the alternative of rezoning the entire or part of the subject lot to a commercial or industrial zone.



Figure 5– extract from current Wyong LEP 2013 land use zone map – Colongra (subject site hatched)

Section B – Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?*

Central Coast Regional Strategy (CCRS)

The CCRS represents the long term land use plan for the region and contains a series of policies and actions designed to cater for the region's projected housing and employment growth over the period to 2031. The CCRS identifies, "a need for the creation of 45 000 new jobs over the next 25 years"

The CCRS identifies Budgewoi as a Village centre and states that:

Village centres will generally be small- to medium-sized concentrations of retail, health and other services integrated with medium density (town house style) residential living. Local public transport will provide connections to town centres.

The Village centre should focus on medium density development in close proximity to the town centre be located on key transport routes and with 11- 50 shops including a supermarket.

The definition of a village in the CCRS has been superseded by the definition within the Sydney Metropolitan Strategy (SMS). The SMS defines a 'Village' as 'a group of shops and services for daily shopping'.

Section 5 –Economy and Employment, specifically Action 5.11 of the CCRS states:

Ensure new retail and commercial development is located in centres. Some local convenience retailing may be required out of centre, however the presence of a convenience shop can initiate a neighbourhood centre, around which activities such as childcare facilities can be located.

Budgewoi

The Proposal is located within the Budgewoi Village Centre and the proposed R1 zoning will meet the requirements to encourage medium density residential development within the town centre. The proposed B2 zoning will allow for a new supermarket development which will meet the directions outlined in the CCRS and is appropriately positioned within the village centre and able to service an existing residential catchment. The site is located on a designated bus route with a bus stop located adjacent to the site on Noela Place.

Colongra

The proposal is for an additional permitted use of a service station and food and drink premises which will provide for some additional convenience shopping at this site. Although the site is not specifically located within a 'centre' identified in the CCRS, it is centrally located between various town centres and

villages and on the site of the proposed sporting fields. It is not considered that the additional permitted uses will detract from the surrounding centres or initiate a new centre in this location.

North Wyong Shire Structure Plan

The NWSSP identifies where and when development is planned to occur and ensures sufficient land exists to meet regional housing and employment targets. It reinforces the CCRS.

Budgewoi

In this context Budgewoi is identified as a "Village" and is expected to provide for a group of shops and services for daily shopping (as defined in the Sydney Metropolitan Strategy). The Budgewoi Site will provide additional retail and employment opportunity within an existing Village centre and also proposes to increase residential density by providing additional residential land within this centre. It is considered that the proposal aligns with the Structure Plan and is not likely to take away from the nearby Town Centres of Toukley or Lake Haven.

Colongra

The Colongra site is identified in the NWSSP as part of a local conservation link. This links to the Delta owned parcels (Lots 500 & 501 DP 755266) which will form part of the sporting complex and are identified as green corridor under the structure plan. The Colongra Site sits adjacent to the Regional Vegetation corridor and the vegetation on the northern portion of the site appears to provide connectivity to a stream to the east. However it is noted that the land immediately adjacent to Lot 500 and 501 DP 755266 are not shown as green corridor and there is a break already in the corridor.

The Structure Plan states that it is:

a high level strategy that has been prepared on the basis of subregional data. More detailed investigation may conclude that parts of the currently proposed development areas or proposed landuses are not appropriate. For example, detailed flooding or flora and fauna investigations, undertaken to support a future planning proposal that seeks to rezone some of the development precincts for urban development, may identify areas on the fringe of a development precinct which are not suitable for development but should more appropriately be included in the green corridor. Equally, the development precinct boundaries may need to be amended slightly if an area on the fringe is, by its features, not suitable for inclusion in the green corridor.

As noted above the NWSSP is a high level strategy and further investigation may indicate that land is not suitable for inclusion in the green corridor or subsequently as a local conservation link.

A Constraints Report by Ecobiological was submitted with the initial Woolworths Planning Proposal (RZ/8/2012) for the subject site (Annexure C). The report identifies that there would be little constraint to development of the land already cleared, which is where the service station and food and drink premises would be located. The report identified that additional field work would be required for development of the entire site due to the presence of hollow bearing species as there were 36 hollow bearing trees and the potential for some threatened plant species to be present on the site that have flowering (identification) periods outside of the times that the survey was undertaken. However this proposal is not for the development of the entire site. Should this site be considered valuable in terms of a conservation link further study could be undertaken to determine the conservation value of the land and potentially indicate an acceptable corridor linkage.

4. *Is the planning proposal consistent with a Council's local strategy, or other local strategic plan?*

Wyong Community Strategic Plan (CSP) 2030

The Wyong Shire Community Strategic Plan (CSP) identifies what the Shire Strategic Vision is, how the Vision was created through the community, the importance of the community, Council, State and Federal Government working together to achieve the Shire's Vision, and how the Shire Strategic Vision integrates with Council's Asset Management Strategy and long-term Financial Strategy.

The CSP identifies 8 priority objectives, each supported by a range of actions.

- *Communities will be vibrant, caring and connected with a sense of belonging and pride in their neighbourhood.*

The Planning Proposal aims to encourage increased community and economic activity within the Town Centre of Budgewoi. Rezoning the subject land to B2 Local Centre and R1 General Residential will encourage the development of the Town Centre for a range of additional land uses, increasing informal community socialising in the centre. The service station and food and drink premises will provide additional services to the community and in particular users of the proposed sports complex.

- *There will be ease of travel within the Shire and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.*

The Town Centre is located on a bus route and the Central Coast Highway. The Planning proposal aims to increase economic and social activity, and housing density within close proximity to the Highway, bus route and town centre.

- *Communities will have access to a diverse range of affordable and coordinated facilities, programs and services*

The Planning Proposal will enable the development of land uses that enhance and support the existing commercial and community facilities within the Town Centre.

- *The community will be well educated, innovative and creative; people will attain full knowledge potential at all stage of life.*

The proposal has the potential to increase the range of services and facilities available to the public as previously identified.

- *Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.*

The Budgewoi site has been extensively cleared in the past and is not vegetated.

The southern portion of the Colongra site has been cleared. The northern section of the site is vegetated but has a disturbed understorey. Council records indicate that a dwelling house and grazing took place on the site from around the 1950's to late 1990's which may have

contributed to the degradation of the site. Further study may be required to determine the value in the vegetation on site; however, it is proposed to locate the service station and food and drink premises predominantly within the already cleared portion of the site.

- *There will be a sense of community ownership of the natural and built environment through direct public involvement with programs and services.*

Not relevant to this Planning Proposal.

- *There will be a strong sustainable business sector and increased local employment built on the Central Coast's business strengths.*

The Planning Proposal will facilitate the growth of the Budgewoi Village Centre through the provision of additional services and housing choice. The significant short term construction employment and potential local materials sourcing will reflect positively in the local economy. Further, permanent employment on both the Budgewoi and Colongra sites will reflect positively in the local economy.

- *Information communication technology will be consistent with the world's best practice and adaptive to technological advances across all sectors.*

Not relevant to this Planning Proposal.

Wyong Shire Council Strategic/ Annual Plan

Wyong Shire Council Strategic Plan 2013-17 was adopted 10 April 2013. The Annual Plan and 4 Year Delivery Plan are Council's short to medium term plans that sit within the Strategic Plan and outline the strategic role that Council will play in delivering the community's strategic vision. Council has 12 Principal Activities, each activity provides a set of services to the community and the Delivery Plan and Annual Plan show the net cost of each service.

The following lists the 12 Principal Activities, identifies any relevant service, and relationship to the proposal.

Principal Activity	Service	Key Action and Objectives	Funding Source and Description	Impact on Key Performance Indicators/ Service Performance Indicators
1 Community & Education	None relevant			

Principal Activity	Service	Key Action and Objectives	Funding Source and Description	Impact on Key Performance Indicators/ Service Performance Indicators
2 Community Recreation		Promote and operate sporting and recreation facilities and services to encourage an active and healthy lifestyle.	To be funded through a VPA with Woolworths, profit from Council sale of land, and developer contributions.	While the proposed commercial and residential development will be located on the existing sporting facilities at Budgewoi the proposal will result in a new larger sporting complex at the nearby Colongra site (1km west). This will provide the community with greater opportunity to participate in sporting activities and encourage active and healthy lifestyles.
3 Economic & Property Development		There will be a strong sustainable business sector.		The new commercial land use, service station and food & drink premises will provide sustainable employment opportunities. The rezoning of a section of the oval to R1 Residential has the potential to provide revenue to put towards the provision of community facilities (namely the Colongra sports complex)
4 Council Enterprises	None relevant			
5 Regulatory	None relevant			

Principal Activity	Service	Key Action and Objectives	Funding Source and Description	Impact on Key Performance Indicators/ Service Performance Indicators
6 Environment & Land Use		Council will, where appropriate, seek to generate income from its lands, to enhance services for the community and to fund the on-going care and condition of public lands		The proposal will generate income from council lands as a result of the potential sale of residential land, and rent received for the service station ground lease, which will be used to fund the proposed sporting complex at Colongra.
7 Waste Management	None relevant			
8 Roads & 9 Drainage		Ease of travel Provision and maintenance	Developer Funded through contributions	Potential upgrade of roads and drainage required
10 & 11 Water & Sewerage Services		Provide safe & reliable drinking water and the treatment and disposal of sewerage collected.	Developer funded.	Sewer and water pipe upgrades may be required as a result of the proposal
12 Administration	None relevant			

Settlement Strategy

Wyong Shire Council's Settlement Strategy was exhibited with draft Wyong LEP 2013 and came into force with the adoption of the LEP in December 2013. The settlement strategy further reinforces the CCRS and NWSSP by setting out the strategic direction and framework for land use and development activities in the Wyong LGA.

There are no specific actions with regard to the subject land in the Settlement Strategy however the Settlement Strategy includes several considerations and objectives that are relevant to this proposal including:

- Protect and reinforce the existing hierarchy of commercial and retail centres
- Higher density residential development to be located around the commercial core of Centres
- Increase the provision of locally based jobs

It is considered that this proposal meets the above objectives.

Retail Centres Strategy

Council adopted the Wyong Shire – Retail Centres Strategy (RCS), 27 November 2013.

The RCS defines the Budgewoi centre as a 'local centre' and that the function and Expansion Potential for Budgewoi Local Centre is that the:

- *Catchment area has a reasonably stable population will only minimal growth potential.*
- *By 2016 available expenditure will exceed sales potential of existing retail floorspace*
- *Notwithstanding that a proportion of the surplus expenditure will be directed to the east village, there is capacity to support additional floorspace of around 1,500m².*
- *Demand for additional supermarket floorspace is limited and such would be more appropriately located within the Toukley town centre.*
- *Due to fragmentation of ownership of existing land parcels within the centre and a desire to activate the eastern portion of the centre, rezoning of land to the north of Tenth Avenue is warranted.*

The proposed retail development exceeds the recommended 1,500m² additional floor space; however this figure, as outlined in the RCS, is based on a reasonably stable population with minimal growth potential. This does not take into consideration the proposed up-zoning of approximately 54,000m² of R2 Low Density Residential land (approx. 70 exiting lots) to R1 General Residential to the East of the existing commercial centre which is proposed under the Budgewoi Masterplan and included in the major amendment 1 to the Wyong LEP 2013. In addition, this current proposal will further increase the growth potential by providing an additional 16,000m² of R1 land surrounding the commercial centre, which currently holds no residential development.

The RCS recommends undertaking a Net Community Benefit Test as part of any new 'Gateway' process for commercial rezoning proposals. The consistency of the proposal with the Net Community Benefit Test requirements are summarised below:

Consideration	Consistency
Whether the proposal is consistent/compatible with agreed State and regional strategic directions.	As detailed elsewhere in this report.
Whether the proposal is likely to create a precedent.	The proposal is consistent with Council's Strategic Considerations and will not create a poor precedent.
Whether it is likely to facilitate employment opportunities.	The proposal is likely to facilitate employment through short term job creation during the construction stage and also long term local employment opportunities in the potential supermarket, service station and food and drink premises.
Whether it will impact on the supply of residentially zoned land.	The proposal will provide for increased residential land within the town centre which will assist in increasing densities and further activating the

	village centre.
Whether there is sufficient infrastructure in place or planned for to service the development.	There is water and sewer connected to the Budgewoi site and within the vicinity of the Colongra Site (Walu Ave); however some upgrade will be required for the proposed development.
Whether it is sustainable.	The proposal will provide for ongoing sustainable land uses in the area.
Whether it is in the public interest.	The proposal will provide the local community with increased shopping choice within the Budgewoi Village centre. This will also require the relocation of the Sporting facilities from Halekulani Oval to the Colongra site. It is then proposed that the community will be provided with four new senior sized fields, two cricket pitches, multipurpose courts, amenities building and parking
Whether the proposal will impact on the availability of retail and commercial services in the area.	The proposal will increase the availability of retail and commercial services in the area by providing an additional supermarket, service station and food and drink premises.
Whether the proposal (if a single entity commercial development) has the capacity to develop into a centre in the future.	The Budgewoi site is located within the existing village centre. The Colongra site proposes two additional permitted uses on the E3 zoned site which do not have the capacity to develop into a new centre. The E3 zoning will continue to prohibit all other commercial development on the site.
Where an extension of a centre is proposed, it will be necessary to consider other issues such as design, connections, transport service, public domain and pedestrian circulation to ensure that the additional development integrates with the existing centre.	The proposal will extend the existing centre. As the site is immediately adjacent to the existing centre it will ensure connectivity and allow pedestrian flow and access to public transport facilities.

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

SEPP	Consistency
SEPP 55 – Remediation of Land This SEPP aims to promote the remediation of contaminated land for the purposes of reducing the risk to human health and/or the environment.	Preliminary Contamination Assessments will be undertaken as required by any Gateway Determination.
SEPP (Exempt and Complying Development Codes) 2008 This SEPP provides assessment processes for development that complies with specified development standards.	The Planning Proposal does not include any specific provisions relating to Exempt and Complying Development, nor does it contradict or repeat any provisions in the SEPP (Exempt and Complying Development Codes) 2008.
SEPP 64 – Advertising and Signage This SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Development applications for future development on the land will need to comply with the requirements of the SEPP, Exempt and Complying Development SEPP and Council's Signage DCP Chapter.
SEPP (Infrastructure) 2007 Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.	Development of the site adjacent to a State Road will require the input of Roads and Maritime Services (RMS). The RMS will be consulted in accordance with any Gateway Determination.
SEPP 71 Coastal Protection Aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast	The Budgewoi and Colongra sites are located within the SEPP 71 Coastal Protection Zone. The proposal is consistent with the provisions of SEPP 71. The matters outlined in Clause 8 of the SEPP have been considered and the proposal does not affect access to and along coastal foreshores, nor is the site affected by coastal processes such as erosion.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The proposal has been considered against the relevant Ministerial Section 117 Directions and is summarised below:

Number	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	Y	Y
1.2	Rural Zones	N	N/A
1.3	Mining, Petroleum Production and Extractive Industries	N	N/A
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	N	N/A
Environment & Heritage			
2.1	Environmental Protection Zones	Y	Y

2.2	Coastal Protection	Y	Y
2.3	Heritage Conservation	N	N/A
2.4	Recreation Vehicle Areas	N	N/A
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Y	Y
3.2	Caravan Parks and Manufactured Home Estates	N	N/A
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Licensed Aerodromes	N	N/A
3.6	Shooting Ranges	N	N/A
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	Y	Y
4.3	Flood Prone Land	Y	Y
4.4	Planning for Bushfire Protection	Y	Y
Regional Planning			
5.1	Implementation of Regional Strategies	Y	Y
5.2	Sydney Drinking Water Catchments	N	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A
5.5 to 5.7	Revoked		N/A
5.8	Second Sydney Airport: Badgerys Creek	N	N/A
5.9 North West Rail Link Corridor Strategy		N	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	Y
6.3	Site Specific Provisions	Y	Y
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy		N/A

Ministerial Directions under s.117 of the Act relevant to the planning proposal are addressed below:

Ministerial Direction	Consistency
1.1 Business and 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.	The proposal encourages employment growth in suitable locations with the predominant job creation being in the Budgewoi Village centre.

Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	
2.1 Environmental Protection Zones KAims to protect and conserve environmentally sensitive areas. KApplies when the relevant planning authority prepares a planning proposal.	The Budgewoi Site is not within an Environmental Protection Zone. The Colongra site is zoned E3 Environmental Management. In accordance with the report previously submitted for the initial Woolworths proposal (Annexure C) the land portion of the site proposed to be utilised for the service station and food and drink premises is degraded and cleared of vegetation. As per figure 3 above, it is proposed that the land identified for additional permitted uses be contained to the cleared area. Any development application on this site would have consideration for the zoning and any environmentally sensitive areas.
2.2 Coastal Protection KAims to implement the principles in the NSW Coast Policy. KApplies when a planning proposal applies to land in the coastal zone as defined in the Coastal Protection Act 1979.	Both the Colongra and Budgewoi sites are located within the Coastal zone. The proposal is consistent as it focuses retail and commercial development within the village centre and builds on the settlements existing structure. While the Colongra site is located outside the commercial centre it is located on the western edge of the urban area and is located on the main road into the Budgewoi, Buff Point and Halekulani suburbs.
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.	It is proposed to rezone land at the rear of the Budgewoi Site and the two lots to the south-east corner of the site to R1 General Residential. This will provide a range of housing types close to the town centre and relieve pressure on further development occurring on the urban fringe. Infrastructure services are available to the proposed R1 land. The land is currently cleared of vegetation and within close proximity to essential services such as public transport.
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.	This proposal does not prevent the carrying out of home occupations in dwelling houses.
3.4 Integrating Land Use and Transport Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public	The proposal increases supermarket, retail choice and job opportunities in Budgewoi within close proximity to residential areas. This Budgewoi site is located on a shared path route therefore encouraging pedestrian and cycle access. A bus stop is located adjacent to the site on Noela Place. The service station and food and drink premises at

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.	Colongra uses are proposed on the Central Coast Highway which is a direct route to Budgewoi and surrounding suburbs and is also a bus route and provides for efficient movement of freight. The rezoning proposal supports economic development in a suitable location.
4.1 Acid Sulphate Soils Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. Applies when a planning proposal applies to land having a probability of containing acid sulphate soils on the Acid Sulphate Soils Planning Maps.	Council records indicate that the Budgewoi site is affected by Acid Sulphate Soils. The majority of the site is noted as having class 3 soils with the southern portion of the site Class 5. An Acid Sulphate Soils assessment for the installation of the underground tank at the Budgewoi site prepared by Douglas Partners, dated January 2007, notes that previous testing indicated that while minor acid and sulphur tail was present in the soil the result did not require an acid sulphate management plan for those works. In the location of the tank the pH was in excess of 3.5pH units and therefore it was not considered that acid sulphate soils were present in this location. For further development of the site additional bore testing may be required to determine that the above is the case for the entire site. The Colongra site is located outside areas known to contain acid sulphate soils.
4.2 Mine Subsidence and 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.	Both sites are located within a Mines Subsidence District. While there may be some restrictions, mines subsidence requirements are unlikely to preclude the development of this site. This issue will be resolved through consultation with the Mines Subsidence Board.
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	The Colongra site is not recognised as being flood prone land. Council's most recent and accurate information indicate that there is potential for flooding to the north of the Budgewoi site but the site itself is located outside of the probable maximum flood (PMF) level and therefore the site would not be affected by flood related development controls.

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.	
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.	The Budgewoi Site is not bushfire Prone. The Colongra site is bushfire prone land. The southern portion of the site where the additional permitted uses are proposed is classified as Vegetation Buffer while the northern portion of the site is Category 1. A Bushfire Protection Assessment was prepared by Ecobiological in July 2012 to accompany the previous Woolworths application (Annexure D) outlines the matters for consideration and indicates that the presence of bushfire prone land should not preclude the development of this site. As per the requirements of this Ministerial Direction the RFS will be consulted as part of the assessment process.
5.1 Implementation of Regional Strategies The objective of this direction is to ensure draft LEPs are consistent with regional strategies such as the Central Coast Regional Strategy (CCRS).	The Budgewoi Site proposal is located within an existing centre. And is consistent with the Regional Strategies. The additional uses proposed on the Colongra site are not in contradiction to the Regional strategies. They will not require extensive clearing and will not result in an isolated commercial centre.
6.1 Approval and Referral Requirements Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	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.	The proposal will result in the reduction of public land for recreational purposes at the Budgewoi site through the transfer and potential sale of public land to accommodate a retail and residential development. However, it is proposed to acquire land at Colongra in addition to a long term lease over adjoining Delta owned land at Colongra to relocate and expand the sporting facilities from the Budgewoi site. The new recreation area will provide a net increase for sporting activities for the local community. It is noted that the alteration of the existing zoning of land for public purposes requires the approval of the Department of Planning and Environment.
6.3 Site Specific Provisions Aims to discourage unnecessarily restrictive site specific planning controls.	Should this proposal be supported it is likely that any site specific provisions considered necessary would be included in a Development Control Plan.

Applies when the relevant planning authority prepares a planning proposal to allow particular development.	
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Section C – Environmental, Social and Economic Impact

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

Budgewoi

There is unlikely to be any adverse effect as a result of the planning proposal as the site has been cleared of vegetation and operated as a sporting oval and facilities for a long period.

Colongra

The northern section of the Colongra site contains significant areas of vegetation. The vegetation type is Narrabeen Doyalson Coastal Woodland. The site is identified as part of a local conservation link under the North Wyong Shire Structure Plan and sits on the periphery of a Regional Vegetation Corridor identified under this same plan. The vegetation on site appears to provide connectivity to a defined stream to the east.

A Constraints Report by Ecobiological was submitted with the planning proposal submitted by Woolworths (Annexure C).

The report was not conclusive as to the impact that development would have on the entire site though there would be little constraint to development of the land already cleared.

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

Contamination

Budgewoi

There is no evidence to indicate that the site is contaminated. No preliminary site contamination study has been undertaken for this site. A contamination report will be prepared as required.

Colongra

A Phase 1 Environmental Site Assessment was provided with RZ/8/2012 on the Colongra site (Annexure E). This assessment concluded that:

There are no historical operations on site to suggest the possibility of consequential land contamination. A potential exists for localised hazardous building materials to have contaminated the land in areas where former buildings were demolished.

Traffic Impacts and Vehicular and Pedestrian Access

Budgewoi

Council's Transportation Engineer has undertaken preliminary traffic modelling of the intersection of Central Coast Highway and Noela Place, which included traffic generated by the proposed supermarket development and background traffic growth to 2024.

The results of the modelling indicate that the existing roundabout would continue to operate at a satisfactory level of service for the next 10 years if the development proposal proceeds.

The traffic modelling results were referred to Roads and Maritime services (RMS) for confirmation that it is unlikely that this proposal will trigger a requirement for the existing roundabout to be upgraded to traffic signals, however it is understood that this Planning Proposal and any subsequent development application will require RMS concurrence in accordance with SEPP "Infrastructure".

The RMS have reviewed the proposed supermarket concept and SIDRA modelling and have advised that *"Having reviewed the information provided, including the SIDRA modelling, RMS can confirm that traffic signals would not be required as part of the proposed Woolworths development. Based on the information provided, works on the Central Coast Highway would also not be required"*. (Annexure F)

Colongra Site

Council's Transportation Engineer has advised that access into the site from Scenic Drive must be treated as an intersection designed in accordance with Austroads Guide to Road Design – Signalised and Un-signalised intersections. This would be required for any proposed development.

It is noted that approximately 26.0 metres of road reserve is available to the north of Scenic Drive for road widening to accommodate right and left deceleration turn bays and access to the development site. An unformed road adjacent to the site is owned by the Crown. Council's Engineering Staff have previously indicated that any proposed access to the site should be via this western side access, which will provide appropriately 100 metres of separation from the roundabout intersection exit. The traffic report submitted for RZ/8/2012 for a supermarket and service station on this site indicates that a right turn bay off the roundabout will provide approximately 50m of storage length plus taper. This Traffic Report also suggests that egress from the site should be left out only with northbound traffic forced to U-turn at the roundabout at the intersection of Scenic Drive and Walu Avenue. It is expected that the traffic generated by a service station and food and drink premises would be far less than a full-line supermarket proposal.

Access to both the Budgewoi and Colongra sites via Scenic Drive, which is a classified road, will require consultation with Road & Maritime Services (RMS). This will be undertaken as required. A detailed Traffic Impact Study can be prepared and submitted for both the Budgewoi and Colongra sites should the planning proposal be supported.

Bushfire

Budgewoi

The Budgewoi Site is not classified as bushfire prone land

Colongra

The site is identified as being bushfire prone land with, in general, the cleared land being identified as Bushfire Buffer and the balance of the site identified as Category 1 Bushfire Prone Land.

The additional permitted uses of service station and food and drink premises are proposed to be located to the south of the site within the cleared area. A Bushfire Constraints Report was submitted with RZ/8/2012 which identified that a 10 m setback from bushfire prone vegetation would be required, internal roads would need to meet the requirements of Planning for Bushfire Protection

(2006) and the water supply to the site would need to be adequate for fire-fighting purposes. Any development of the site will also need to have consideration for additional clearing to meet setback requirements.

Consultation with the NSW Rural Fire Service will be undertaken as required.

Flooding and Drainage

Budgewoi

The Budgewoi Site is located outside the Probable Maximum Flood lake level. Therefore the site would not be affected by flood related development controls.

Development of the site will however increase the stormwater runoff in Noela Place, in terms of peak flow and volume. The existing 375mm pipe would need to be upgraded to approximately a 525mm pipe length of 200m.

Colongra

The site is not identified as being subject to flooding; however, it has been identified that the site receives upstream overland flows from the area north-west of the site and discharges to the natural watercourse adjacent to the eastern boundary and will need to be considered in any development of the site in a stormwater management plan for the site.

Acid Sulphate Soils

Budgewoi

Council records indicate that the site is affected by Acid Sulphate Soils. The majority of the site is noted as having class 3 soils with the southern portion of the site Class 5. Clause 7.1 of WLEP 2013 states that Development consent is required, an acid sulphate soils management plan must be prepared and all requirements of Clause 7.1 of the LEP met for all "works more than 1 metre below the natural ground surface" or "works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface" on Class 3 land. This is also a requirement for Class 5 land where "works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land".

An Acid Sulphate Soils assessment for the installation of an underground tank prepared by Douglas Partners, dated January 2007, notes that previous testing indicated that while minor acid and sulphur tail was present in the soil the result did not require an acid sulphate management plan for those works. In the location of the tank the pH was in excess of 3.5pH units and therefore it was not considered that acid sulphate soils were present in this location. For further development of the site additional bore testing may be required to determine that the above is the case for the entire site.

Colongra

The Colongra site is not identified as being in an area subject to acid sulphate soils.

9. How has the planning proposal adequately addressed any social and economic effects?

Budgewoi

It is considered that the proposed B2 zoning will provide additional shopping and parking facilities in the Budgewoi centre at the same time providing choice and competition in the market. It is considered that the impact of a new supermarket in Budgewoi will be mainly felt by the existing supermarket.

Council's Retail Centres Strategy indicated that the area would support in the order of 1,500m² of supermarket floor space (extract from Retail Strategy – Annexure G). The Retail Strategy did not take into consideration the proposed additional R1 zoned land included in the current planning proposal or the potential for a Woolworths supermarket at Budgewoi to attract expenditure from outside the local area.

The JRPP Advice (Annexure A) states that "the Panel was satisfied there is sufficient demand for the supermarket development at Budgewoi.

The net community benefit test conducted in accordance with Council's adopted Retail Centres Strategy, indicates that the proposal will generally have positive social and economic effects for the community.

It is considered that the proposal may positively impact on other smaller retailers as a result of the new supermarket attracting additional customers to the centre and providing a flow on effect. Expanding the existing centre as opposed to locating a supermarket on an isolated site ensures that customers are not directed away from the Budgewoi Town centre for their shopping needs.

The proposed R1 zoning will allow for additional medium density residential housing which will increase residential density within the Budgewoi centre. The combination of additional commercial and residential development is likely to increase activity and vibrancy in the centre while providing for additional local employment opportunities for approximately 100 people in the supermarket and further jobs through the construction phase of the project.

The loss of RE1 land will be compensated for by providing a new expanded sporting complex at Colongra which will double the size of the existing sporting facility at Budgewoi.

It is intended to retain Council's community hall and park space surrounding the hall on the Budgewoi site. This will ensure that space is available for community meetings, social interactions, and other community uses such as dance classes, meal on wheels and seniors groups.

The loss of sporting facilities from this site will be addressed through the provision of a new expanded sporting complex which is proposed on the Colongra site and adjoining Delta Land. This new sporting complex will provide the local community with a high quality complex just west of the current sports facility. This new complex will also allow for more games at any time due to the increase in the number of fields and will provide new improved amenities.

Colongra

It is proposed to permit additional uses of Service Station and Food and Drink Premises on the Colongra site. These uses would be in addition to the sporting complex proposed on the subject site and two adjoining Delta owned sites.

The Service Station will be located approximately 1.5km from the nearest service station in Budgewoi and 3.5kms from the Service Station at Doyalson. It is considered that this will provide the community and passing commuters with an additional operation. It is expected that a Service Station will employ 6 full time equivalent (FTE) jobs. The Food and Drink Premises is also likely to employ a number of staff and provide the local community and users of the sporting complex with a facility that is not already catered for in the locality. These developments would also provide jobs during the construction phase.

Section D – State and Commonwealth Interests

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

Budgewoi

Adequate public infrastructure is available for the Planning Proposal. The site is centrally located within Budgewoi village centre and the proposal will facilitate increased commercial and residential development and growth.

It has been identified that works that will be required include road upgrades as per RMS requirements and the relocation of a trunk water main. These issues are considered to be resolvable and will not preclude the viability of the proposal.

Colongra

Water and sewer is available to this site. Roadworks will be completed as per RMS requirements.

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

The Gateway Determination will outline which government agencies shall be consulted and will be completed prior to exhibition if required.

Part 4 Mapping

Figure 1	Site Map
Figure 2	Proposed Zoning – Budgewoi
Figure 3	Proposed area of Additional Permitted Use – Colongra
Figure 4	Current Zoning – Budgewoi
Figure 5	Current Zoning – Colongra

Zone and Additional Permitted Use mapping will be completed for the exhibition of the Planning Proposal.

Part 5 Community Consultation

It is recommended that the proposal be publicly exhibited for a period of 28 days.

Notification of the public exhibition is recommended to be placed in the Central Coast Express Advocate and written notification sent to owners adjacent to the site. Notices will be placed on Council's website and a link attached to Council's new ePanel initiative.

The Planning Proposal, Gateway Determination, and supporting studies will be made available on Council's website, at Council's Administration Building in Hely Street Wyong.

A public hearing will be required for the reclassification of the Budgewoi site from community to operational land.

Part 6 Project Timeline

Council Endorsement	July 14
Gateway Referral	July 14
Gateway Determination	August 14
Pre-Exhibition referrals (if required)	August 14
Completion of exhibition material	October 14
Exhibition	November 14
Public Hearing	November 14
Consideration of Submissions	November 14
Report to Council	December 14
PC Consultation	January 15
Notification and Effect	February 15

Attachments and Supporting Documentation

Annexure	Document	Attached
A	Joint Regional Planning Panel Advice	Yes
B	Budgewoi Masterplan 2013 – Section 7	Yes
C	Ecological Report Colongra – August 2012	Yes
D	Bushfire Report Colongra – July 2012	Yes
E	Contamination Report Colongra – July 2012	Yes
F	RMS Comments – July 2014	Yes
G	Wyong Shire Council Retail Strategy – Section 9.3	Yes
H	Council Report – 23 July 2014	Yes
I	Council Resolution – 29 July 2014	Yes

Annexure A

Joint Regional Planning Panel Advice

DRAFT

Annexure B

Budgewoi Masterplan 2013 – Section 7

DRAFT

Annexure C

Ecological Report Colongra – August 2012

DRAFT

Annexure D

Bushfire Report Colongra – July 2012

DRAFT

Annexure E

Contamination Report Colongra – July 2012

DRAFT

Annexure F

RMS Comments – July 2014

DRAFT

Annexure G - Wyong Shire Council Retail Strategy – Section 9.3

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Annexure H

Council Report – 23 July 2014

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Annexure I

Council Resolution – 23 July 2014

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