

01

Assessment & Endorsement



01 – Assessment & Endorsement:

A. 26 April 2017 Council Report



Item No: 2.8
Title: Wyong Local Environmental Plan 2013 Amendment
Request - 15 Mulloway Road, Chain Valley Bay
Department: Environment and Planning

26 April 2017 Ordinary Council Meeting

D12636032

Report Purpose:

The purpose of this report is for Council to consider a request to amend the *Wyong Local Environmental Plan 2013* to rezone land at Lot 273 DP 755266 (15 Mulloway Road), Chain Valley Bay from E2 Environmental Conservation and E3 Environmental Management to E2 Environmental Conservation and R2 Low Density Residential.

This report recommends that Council prepare a Planning Proposal to submit to the NSW Minister for Planning to request a Gateway Determination.

Recommendation:

- 1** *That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, to rezone the land known as Lot 273 DP 755266, 15 Mulloway Road, Chain Valley Bay, from E2 Environmental Conservation and E3 Environmental Management to E2 Environmental Conservation and R2 Low Density Residential, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979;*
- 2** *That Council forward the Planning Proposal to the NSW Minister for Planning requesting a gateway determination, as well as requesting delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979;*
- 3** *That Council prepare and exhibit, subject to the Gateway Determination, appropriate Development Control Plan provisions to amend Wyong Development Control Plan 2013;*
- 4** *That Council prepare and exhibit, subject to the Gateway Determination, appropriate amendments to applicable Section 94 Development Contributions Plan (if required) to support the development of the subject land;*
- 5** *That Council authorise staff to negotiate and prepare a Voluntary Planning Agreement with respect to any aspect of the proposal, (if required);*
- 6** *That Council undertake community and public authority consultation, in accordance with the Gateway Determination requirements, including the concurrent exhibition of the draft Development Control Plan, draft amending Section 94 Development Contributions Plan and draft Voluntary Planning Agreement (if required);*

2.8 Wyong Local Environmental Plan 2013 Amendment Request -
15 Mulloway Road, Chain Valley Bay (contd)

7 ***That Council consider a further report on results of the agency and community consultation.***

The Site:

The subject site comprises a single dwelling and shed and is located south of Mulloway Road, Chain Valley Bay and bounded to the south by Karignan Creek, which flows into Lake Macquarie. The site has an area of 16.59 hectares (ha).

The site is located east of the low density residential settlement of Chain Valley Bay which comprises predominantly single dwellings. The site is located in close proximity to two Manufactured Home Estates (MHEs), being Teraglin Lakeside Village MHE to the north-west (of Mulloway Road) and Valhalla Village located directly adjacent to the subject site on the eastern site boundary. These two MHEs indicate the changing nature of Chain Valley Bay from its historic development as an agricultural area, including market gardens and grazing to an urban release area that provides varied housing opportunities in the Central Coast Region.



Figure 1 Locality Context (Source: Central Coast Council et al 2016)

2.8 Wyong Local Environmental Plan 2013 Amendment Request - 15 MULLOWAY ROAD, Chain Valley Bay (contd)

The Proposal

The Planning Proposal seeks to amend *Wyong Local Environmental Plan 2013 (WLEP 2013)* in the following manner:

- Rezone the subject site (and any road reserves) from E3 Environmental Management to R2 Low Density Residential;
- Amend the minimum lot size requirements applicable to the rezoned R2 Low Density Residential portion of the site to 450m²;
- Identify/map the site as an Urban Release Area subject to provisions of Part 6 of *WLEP 2013*.

The intended outcome is to enable a land subdivision of the rezoned R2 Low Density Residential portion of the site for housing.

The original concept plan submitted with the request proposes an indicative lot yield of 174 lots with the standard lot size ranging from 450m² - 580m² and corner allotments from 700-812m².



Figure 2 Indicative Concept Lot Layout Plan (Source: Everitt & Everitt, 2017)

Following a site inspection undertaken on 17 February 2017 and review of supporting studies, in particular flora and fauna assessments, it has been identified that the site is heavily constrained by existing vegetation.

2.8 Wyong Local Environmental Plan 2013 Amendment Request - 15 Mulloway Road, Chain Valley Bay (contd)

Some parts of the site qualify as an Endangered Ecological Community (EEC), and those areas which whilst not identified as an EEC still provide potential habitat for a wide range of threatened flora and fauna and forms part of a local wildlife corridor which provides a transition of vegetation types from the riparian area of Karignan Creek to the drier vegetation in the Lake Macquarie State Conservation Area, located north of the site.

The original Concept Plan for the redevelopment of the site (Refer Figure 2) did not consider the environmental value of the land. This Concept Plan would allow for 174 residential lots and if built would result in an overdevelopment of the site that would adversely impact on the environmental values of the land and the existing wildlife corridor. The applicant was advised that this concept could not be supported on 14 March 2017.

In response, a revised concept plan (refer figure 3) was lodged with Council on 15 March 2017. This concept plan introduces a corridor through the central portion of the site and reduces the potential lot yield from 174 lots to 102 lots with the standard lot size ranging from 450m² - 1200m² and corner allotments from 617 – 830m².

The inclusion of the proposed wildlife corridor represents an improvement to the original concept, however the location, extent and functionality of the proposed corridor requires further investigations to validate its appropriateness. This investigation can occur post Gateway Determination.



Figure 3 Indicative Concept Lot Layout (Incorporating Proposed Wildlife Corridor) Plan (Source: Everitt & Everitt, 2017)

2.8 Wyong Local Environmental Plan 2013 Amendment Request - 15 Mulloway Road, Chain Valley Bay (contd)

A summary of the proposal (Amended Concept Plan) is provided within Attachment 1.

Assessment

The request to amend *WLEP 2013* has been informed by preliminary studies relating to site ecology, land contamination, bushfire, Aboriginal Cultural Heritage and traffic. This information has been considered against Council's strategic planning and relevant urban, environmental, infrastructure and social planning considerations.

The outcome of Council's assessment is that there is sufficient high level strategic justification for Council to prepare a Planning Proposal to issue to the Department of Planning and Environment (DP&E) to seek a Gateway Determination. It is considered that based on the information and studies provided that a rezoning of the site as now proposed would achieve Council's strategic vision for the site as a residential development precinct, however it is acknowledged that the following investigative studies would be required post Gateway Determination.

- Targeted searches and/or trapping for squirrel gliders; spotted tail quolls; koalas; large forest owls; Glossy Black-Cockatoo; Wallum Froglet and expansion of the microbat surveys beyond the farm dam, cryptic orchid species and *Tetratheca juncea*
- A connectivity assessment of the local corridor links;
- A revision of the bushfire assessment to reflect retained vegetation on the site;
- An Aboriginal Heritage Assessment which complies with the NSW Office of Environment and Heritage (OEH) requirements;
- Determination of the presence or absence of potential or actual acid sulfate soils.
- General soil investigations to determine the local soil conditions of the subject site to inform drainage and stormwater management requirements;
- Site specific flooding assessments to determine flooding impacts from Karignan Creek.

Urban Planning

Land Use

The current E2 Environmental Conservation and E3 Environmental Management Zones that apply to the site (see figure 4), do not reflect the future vision of the site as a residential development precinct. Rezoning of the land is required to realise the vision of the North Wyong Shire Structure Plan (see figure 8). In this respect, the proposed R2 Low Density Residential Zone is the appropriate zone to develop the site for residential housing and meet the desired intention of the North Wyong Shire Structure Plan (NWSSP) Precinct 19 as a long term residential development precinct. The use of the E2 Environmental Conservation Zone over the green corridor through the site provides the necessary protection to preserve a valuable environmental corridor.

2.8 Wyong Local Environmental Plan 2013 Amendment Request - 15 Mulloway Road, Chain Valley Bay (contd)

Development Standards

The proposal seeks to apply an R2 Low Density Residential zone to the subject site with a commensurate minimum lot size of 450m². This lot size is generally consistent with the minimum lot size applied across the Central Coast Region and reflects a lot size that can accommodate a variety of housing typologies including housing, dual occupancy, secondary dwellings etc.

It is also likely that in order to address matters relevant to the site, a site specific chapter of Development Control Plan (DCP) 2013 and a Voluntary Planning Agreement (VPA) may be required.

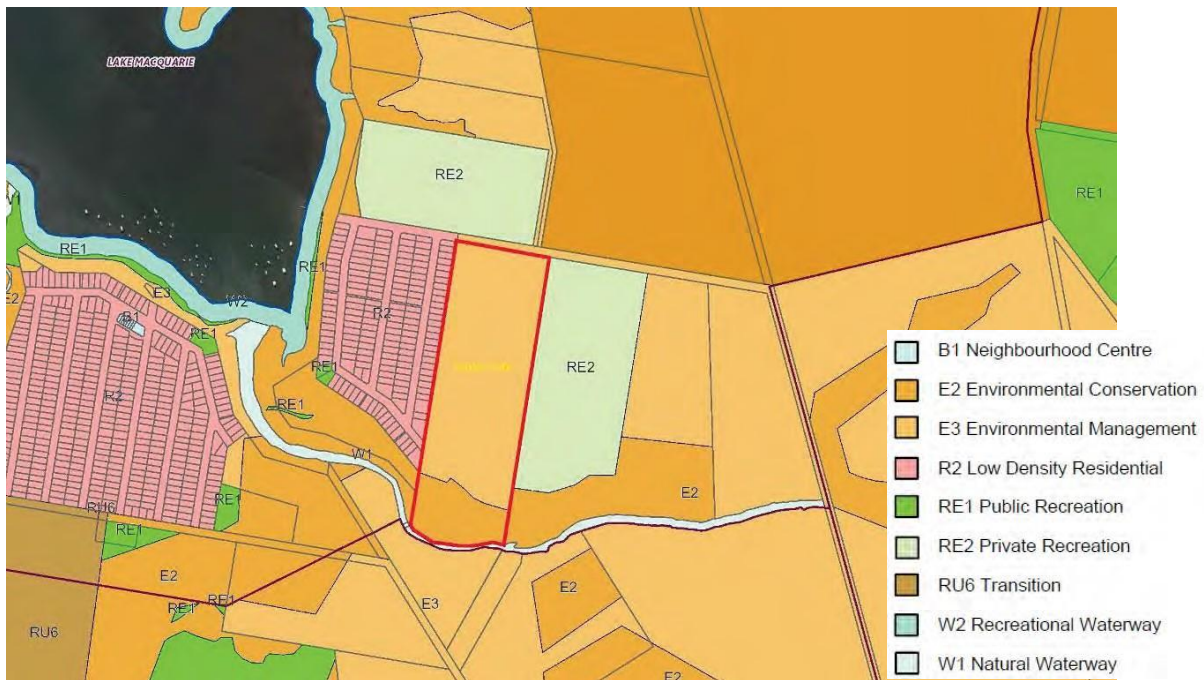


Figure 4 WLEP 2013 Zoning (Source: Central Coast Council et al 2016)

Environmental Planning

Flora and Fauna

The preliminary assessment identifies that the southern portion of the subject site qualifies as Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community (EEC) and comprises approximately 3.54 hectares (ha) of the overall site area. This community is also recognised as an Endangered Wetland Community (EWC) and subject to additional buffer requirements under the NSW Department of Primary Industries (Water) Guidelines for Controlled Activities. Whilst the majority of this EEC/EWC is located within the existing E2 Environmental Conservation zoning, it is likely that the E2 zone boundary will require northward extension to fully include the EEC/EWC and any associated riparian buffers.

The remainder of the site is comprised of cleared paddocks (approximately 3.58ha) and vegetation consistent with the Narrabeen Doyalson Coastal Woodland (approximately 9.52ha). This area also comprises a large farm dam, with a surface area of approximately 1,800m².

Potential foraging habitat exists on site for a range of threatened species and regionally significant fauna.



Figure 5 Preliminary vegetation communities mapping (Source: Travers Bushfire and Ecology 2016)

2.8 Wyong Local Environmental Plan 2013 Amendment Request - 15 Mulloway Road, Chain Valley Bay (contd)

Biodiversity & Connectivity

The site forms part of a local biodiversity corridor. This biodiversity corridor links the southern riparian portion of the site (part of a larger regional corridor in itself) through the site to land to the northeast, connecting to Lake Macquarie State Conservation Area (adjoining the Teraglin Lakeshore Village).



Figure 6 Site Corridor Connectivity (Source: Travers Bushfire & Ecology, 2016)

This corridor has been considered by the revised concept plan, however further investigations relating to the location, extent and functionality of the proposed corridor require validation through additional connectivity studies and flora and fauna survey effort. The revised plan may also require further review having regard for a Property Vegetation Plan (PVP) which applies to Valhalla Village on the eastern boundary of the subject site.

A number of options in relation to the ownership and management of the proposed E2 Conservation land exist:

- Council ownership (Proponent proposal): This proposal is currently being further discussed with the Property Management Unit of Council. Any land transfer would be required to be supported by a VPA and supported by an appropriate funding mechanism for the management of the land to ensure that it a neutral financial impact on Council resources. It would also be likely that the site would be required to be subject to a *Biodiversity Stewardship Agreement* under the provisions of the *Biodiversity Conservation Act, 2016*.

2.8 **Wyong Local Environmental Plan 2013 Amendment Request - 15 Mulloway Road, Chain Valley Bay (contd)**

- Transfer of the land to National Parks estate: This would require further discussion and negotiation with the *National Parks and Wildlife Service*.
- Retention of the land in private ownership linked with one development lot which would provide a dwelling entitlement. It would also be likely that the site would be required to be subject to a *Biodiversity Stewardship Agreement* under the provisions of the *Biodiversity Conservation Act, 2016*.

The final approach to this issue will be required to be agreed upon prior to any public exhibition of the proposal.

Sustainability & Climate Change

The site is affected by both flooding and bushfire. Both risks have potential to increase in frequency and intensity as a result of climate change.

During both events, isolation of the subject site is likely. Early evacuation, shelter in place or gather on public land is the response to such events.

Public land is located to the south west of the subject. Emergency service access and the provision of supplies are reliant on access to the locality by boat from Lake Macquarie.

Alternative forms of transport are available from the subject site, inclusive of local buses and taxis which provide transport to the north (Newcastle) and south (Wyong/Gosford/Sydney).

Infrastructure Planning

Traffic

Access to the site is obtained from the Pacific Highway via Chain Valley Bay Road and Mulloway Road.

The results of modelling provided within the proposal indicate that the operation of the Chain Valley Bay / Pacific Highway intersection with current volumes is failing and worsened by background traffic volume growth (excluding the addition of post – development volumes). An assessment of the intersection performance of the Chain Valley Bay / Mulloway Road was not undertaken.

Should the proposal proceed, updated traffic counts would be required for all intersections, including revised SIDRA intersection analysis. Further discussions with the Roads and Maritime Services regarding potential or planned future works in this locality would also be required.

2.8 Wyong Local Environmental Plan 2013 Amendment Request - 15 Mulloway Road, Chain Valley Bay (contd)

Servicing

Adequate capacity exists for the servicing of the site with water and sewer, subject to connection at the expense of the developer of the site.

Connection to electricity supply would be required from existing infrastructure located on the northern side of Mulloway Road.

The National Broadband Network (NBN) is available in this locality.

Social Planning

Social Impact and Amenity

The proposal would see the introduction of an additional population of approximately 250 persons within the locality (based on the revised concept plan yielding 102 lots). Community and public services within the locality would be provided for through the *Northern Districts Development Contributions Plan*.

The interaction between this site and that of Chain Valley Bay and Valhalla Village may require further assessment through the development of site specific development controls.

Open Space & Recreation

Open space guidelines suggest that a small park would be provided within 500m of residential areas. The closest public open space is located 850m from the subject site. A small park would be required to be provided within any subdivision concept to cater for the increase in population as a result of the development.

If a small park is not to be incorporated within the development, this would increase the demand on the Lake Macquarie foreshore resources in this locality. This currently is not accessible from the site for pedestrians, bicycles or mobility assistance vehicles (e.g. wheelchairs, scooters etc.) without crossing the road or utilising the road reserve.

Subject to further negotiations with the applicant, the requirement for a small park within the development may be reconsidered by Council. Such a consideration would require compensatory measures which might include embellishment of the access arrangements from the site to the foreshore. This would enable connection for the future residents to a well-established recreational space and avoid potential pedestrian/traffic conflicts which would result from pedestrians crossing the road to utilise the pedestrian pathway located on the northern side of Mulloway Road. A VPA may be required for this purpose.

Site Constraints

Bushfire

The site comprises Category 2 bushfire prone vegetation and bushfire buffer areas. The report submitted with the proposal assumes removal of all vegetation from the subject site. This does not reflect the amended concept plan. Further bushfire investigations are required to be undertaken in consultation with the Rural Fire Service.

Flooding

The southern portion of the site (as currently zoned E2 Environmental Conservation) is subject to the 1% Annual Exceedance Probability (AEP) event extent from Lake Macquarie. This appears to extend marginally beyond the current E2 Environmental Conservation zoning of the site. Further assessments which identify the extent of flooding on Karignan Creek and drainage and stormwater management are required.

Contaminated Land and Acid Sulfate Soils

Past land uses of the site have included market gardens and small scale keeping of livestock inclusive of pigs, cattle and horses. Site inspections identified that the potential areas of environmental concern included scattered waste materials in various localities around the site, in addition to the structures on the site which could comprise Asbestos Containing Material (ACM). The report supplied with the proposal indicates that post remediation; the site is suitable for residential development purposes.

Acid sulfate soil investigations will be required to be undertaken.

Minerals and Natural Resources

Preliminary advice submitted with the proposal indicates that both Subsidence Advisory NSW and Department of Industry – Resources and Energy (Geological Survey) would not consider the development of the subject site as representing a risk for future coal resource extraction from beneath the subject site. This advice will require validation subject to the proposal proceeding.

Heritage

No items of European Cultural Heritage in the locality have been identified by the provisions of WLEP 2013.

Investigations to build on those undertaken by the Darkinjung Local Aboriginal Land Council submitted with the proposal will be required to be undertaken in accordance with relevant guidelines of the Office of Environment and Heritage (OEH).

Statutory Compliance and Strategic Justification

Central Coast Regional Plan 2036

The subject site is identified as urban land by the Central Coast Regional Plan 2036 (CCRP). It is also in the vicinity of a proposed biodiversity corridor which connects the coast to the foothills and providing an inter-regional landscape break. This corridor is further defined by the North Wyong Shire Structure Plan (NWSSP).

An assessment of the request to amend *WLEP 2013* against the relevant directions of the CCRP has been undertaken as attached (Attachment 2). The proposal is considered to be consistent with the relevant directions, in particular, those relating to the provision of housing supply.



Figure 7 CCRP Context (Source: Department of Planning & Environment, 2016)

North Wyong Shire Structure Plan

The NWSSP identifies the site for future residential development (Precinct 19) which has an expected dwelling density of 15 dwellings per hectare (ha).

The site also forms part of the NWSSP '*Green Corridor and Habitat Network*'. The exact location of the green corridor and its linkages are currently not specified in any level of detail. However for this site, the mapped extent of the corridor is commensurate with the existing E2 Environmental Conservation zone on the subject site.

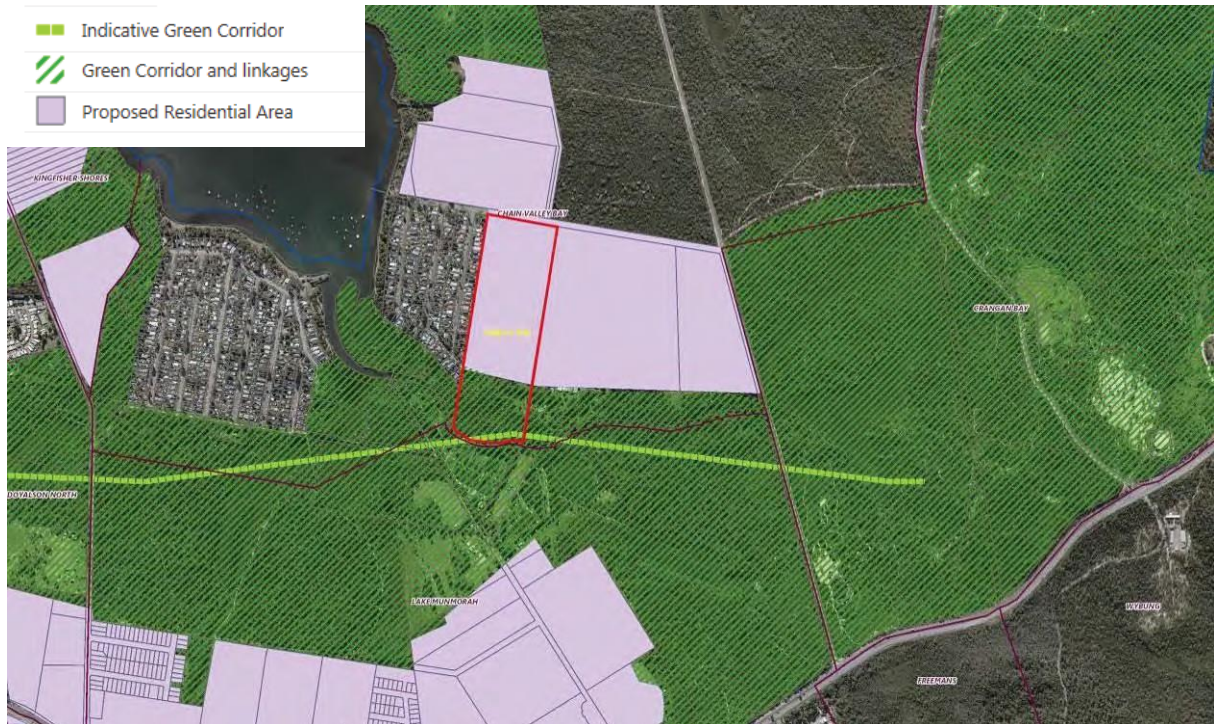


Figure 8 NWSSP Context (Source: Adapted from Department of Planning & Infrastructure, 2012)

The timing for the release of land in this locality is nominated as being a long term land release area precinct. Land categorised as such is "*land that will not be zoned before 15 years, the timing of which will be impacted by future coal extraction potential, future use of the power station sites and access to services and employment opportunities*" (former Department of Planning and Infrastructure, 2012).

The NWSSP further provides that release of land nominated as such may be accelerated if warranted by demand and if satisfactory arrangements are in place to forward fund the appropriate infrastructure for its development.

Documentation supporting the proposal from stakeholders identifies that future coal extraction potential issues have been resolved. These matters will be validated through the agency consultation process.

2.8 Wyong Local Environmental Plan 2013 Amendment Request - 15 Mulloway Road, Chain Valley Bay (contd)

The site is to be identified as an Urban Release Area (URA) therefore must satisfy any infrastructure requirements of the state government prior to consent being granted for any future development.

Section 117(2) Ministerial Directions

An assessment of the request against the *Section 117 (S117) Ministerial Directions* has been undertaken as attached (Attachment 2). The proposal is considered to be generally consistent with the applicable Directions. Additional investigative studies will be required to justify instances where the consistency of the request with the provisions of some Directions is yet to be determined (Direction 2.1 (Environmental Protection Zones), 2.2 (Coastal Protection), 2.3 (Heritage Conservation), 4.1 (Acid Sulfate Soils), 4.2 (Mine Subsidence and Unstable Land), 4.3 (Flood Prone Land), 4.4 (Planning for Bushfire Protection) and 5.10 (Implementation of Regional Plans).

State Environmental Planning Policies

The rezoning request has been assessed against relevant *State Environmental Planning Policies* (SEPPs) as attached (Attachment 2). The proposal is considered to be generally consistent with the applicable SEPPs. Additional investigative studies will be required to justify instances where the consistency of the proposal with the provisions of SEPPs is yet to be determined (SEPP 44 – Koala Habitat, 55 – Remediation of Land, 71 – Coastal Protection and Mining, Petroleum and Extractive Industries).

Wyong Shire Settlement Strategy

The *Wyong Shire Settlement Strategy (WSSS), 2013* recognises that there are likely to be other minor opportunities for rezoning investigations for additional land not identified within the broader strategic planning framework. Any such proposals are required to be assessed within a framework of social, economic and environmental criteria, and must also satisfy the Sustainability Criteria outlined in the Central Coast Regional Strategy (CCRS). The CCRS has been superseded by the Central Coast Regional Plan 2036. As discussed above, the rezoning request is consistent with key directions of the Plan, therefore is suitable for the proposed use.

Guidance for Merged Councils

The NSW Department of Planning and Environment (DP&E) in May 2016 issued *Guidance for Merged Councils on Planning Functions*. In accordance with these guidelines, merged Councils are to continue to progress Local Environmental Plan amendment requests with strategic merit and the established strategic direction of Council.

The proposal has been assessed having regard for all State Environmental Planning Policies, Ministerial s.117 Directions and the relevant guidelines set out within the regional plans including the CCRP 2036.

2.8 Wyong Local Environmental Plan 2013 Amendment Request - 15 Mulloway Road, Chain Valley Bay (contd)

An assessment of the proposal against the actions of the Community Strategic Plan has been undertaken (Attachment 2). This request is considered to have strategic merit.

The request is considered to be consistent with these considerations and suitable for forwarding to the Minister for Planning for a gateway determination.

Internal Consultation

Internal consultation for the planning proposal to date has included staff from the following units. Relevant comments have been utilised to inform the issues and strategic merits assessment of the proposal.

- Compliance and Health
- Development Assessment, Development Engineering (Engineering)
- Development Assessment, Development Engineering (Transport)
- Property Management, Natural and Environmental Assets
- Recreation Planning and Development
- Strategic Planning, Environmental Strategies (Ecology)
- Strategic Planning, Land Use Planning & Policy (Heritage)
- Strategic Planning, Urban and Regional Growth (Contributions)
- Water Planning and Development (Water and Sewer)
- Waterways Asset Management (Hydrology)

External consultation

Government agency and public consultation requirements for the planning proposal will be detailed in the gateway determination and conducted accordingly. It is anticipated that the following agencies will need to be consulted:

- Darkinjung Aboriginal Land Council
- Department of Industry – Resources and Energy
- Department of Planning and Environment
- Department of Primary Industries (Water)
- Guringai Tribal Link
- National Parks and Wildlife
- Office of Environment and Heritage
- Roads and Maritime Services
- Rural Fire Service
- Subsidence Advisory NSW
- Transport for NSW

Budget Impact

There are no immediate budget impacts as the assessment of the request for the amendment to *WLEP 2013* is funded by the payment of the Lodgement Fee. Further assessment work conducted by Council staff and all of the required supporting technical studies will be funded by the owner/proponent as per Council's *Planning Proposal Procedure*.

Further budgetary impacts may arise from the transfer of the E2 Environmental Conservation land to Council. As this proposal has not yet been endorsed by Council's Property Management Unit and other management opportunities exist for this part of the site, there are no immediate budgetary constraints to proceeding with the proposal.

Conclusion

The request to rezone land at Lot 273 DP 755266, (15 Mulloway Road), Chain Valley Bay is considered to have high level strategic merit.

Further investigative studies will be required to be undertaken to further inform a development footprint which adequately addresses and considers relevant site constraints.

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

Attachments

- 1 Proposal Summary Sheet D12649940
- 2 Strategic Assessment D12649942

Proposal Summary

Applicant	Optima Developments Pty Ltd		
Owner	Mr N O Smith		
Application Number	RZ/1/2017		
Description of Land subject of planning proposal	Lot 273 DP 755266 15 Mulloway Road, Chain Valley Bay		
Site Area	16.59ha		
Existing Use	Single dwelling on vacant (vegetated) land		
Proposed Amendments – Wyong Local Environmental Plan 2013 (WLEP 2013)	Existing Provision	Proposed Amendment	Outcome (Supported/Not Supported)
Development Standards			
Zoning	E2 Environmental Conservation E3 Environmental Management	R2 Low Density Residential E2 Environmental Conservation	To be determined through additional investigations
Minimum Lot Size	40 ha (E2) 20 ha (E3)	450m ² (R2) 40 ha (E2)	To be determined through additional investigations
Other Provisions			
Acid Sulfate Soils	Applicable	Nil	Yes
Urban Release Areas	Not Applicable	Proposed	Yes

Strategic Assessment

Central Coast Regional Plan Direction Assessment

	<i>Direction</i>	<i>Applicable</i>	<i>Consistent</i>	<i>Comment</i>
1.	<i>Grow Gosford City Centre as the region's capital</i>	No	N/A	N/A
2.	<i>Focus economic development in the Southern and Northern Growth Corridors</i>	No	N/A	N/A
3.	<i>Support priority economic sectors</i>	No	N/A	N/A
4.	<i>Strengthen inter-regional and intra-regional connections for business</i>	No	N/A	N/A
5.	<i>Support new and expanded industrial activity</i>	No	N/A	N/A
6.	<i>Strengthen the economic self-determination of Aboriginal communities</i>	No	N/A	N/A
7.	<i>Increase job containment in the region</i>	No	N/A	Whilst the proposal will not directly supply long term employment opportunities, local economic benefits could be realised by in-direct secondary expenditure
8.	<i>Recognise the cultural landscape of the Central Coast</i>	No	N/A	The AHIMS database has identified three (3) Aboriginal sites recorded near the subject site. Preliminary site investigations did not uncover any sites or remnants, however recommends a full assessment of the site in accordance with OEH guidelines for Proponents be undertaken prior to construction. It is

Direction		Applicable	Consistent	Comment
				recommended this be undertaken post-gateway determination.
9.	<i>Protect and enhance productive agricultural land</i>	Yes	Yes	<p>The subject site has been historically utilised for agricultural activities (grazing and market gardens). Whilst the current zoning enables some agricultural land uses (e.g. extensive agriculture, horticulture etc), the site is not recognised as Biophysical Strategic Agricultural Land (BSAL).</p> <p>Further comment regarding the agricultural potential of the site may be provided through the agency consultation process should the proposal proceed.</p>
10.	<i>Secure the productivity and capacity of resource lands</i>	Yes	TBC	<p>The subject site is located within coal lease CCL 7074 held by Lake Coal.</p> <p>Supporting correspondence attached to the proposal indicates that the rezoning of the site would not impact the likely potential for future resource extraction in the area. Future surface development would however be subject to the concurrence of the Mine Subsidence Board (MSB). This information will be validated through the agency referral process should the proposal proceed.</p>
11.	<i>Sustain and balance productive landscapes west of the M1</i>	No	N/A	N/A
12.	<i>Protect and manage environmental values</i>	Yes	TBC	<p>The subject site is located in close proximity to the CCRP biodiversity corridor which connects the coast to the foothills and provides an inter-regional landscape break. The site is partially nominated as a green corridor and habitat network by the NWSSP.</p>

Direction		Applicable	Consistent	Comment
				<p>That portion of the site zoned E2 Environmental Conservation closely aligns with the high level mapped boundary of the green corridor.</p> <p>The remainder of the site is zoned for Environmental Management purposes (E3) and contains potential and actual habitat for threatened fauna species. It also forms a local connection from the riparian corridor to the north.</p> <p>The revised concept plan partially achieves this action subject to further survey validations.</p>
13.	<i>Sustain water quality and security</i>	Yes	TBC	The subject site is known to contain dispersive clay soils. If improperly managed, these can be deposited in waterways. Given the site's proximity to Karignan Creek and Lake Macquarie, this issue may require specific management actions should the proposal proceed.
14.	<i>Protect the coast and manage natural hazards and climate change</i>	Yes	TBC	The area of the site nominated for rezoning is not identified as being located within a flood hazard area however Council does not have detailed flood studies in this locality.
15.	<i>Create a well-planned, compact settlement pattern</i>	Yes	Yes	The proposal provides for logical infill development, has ability to connect to existing water and sewer infrastructure in addition to having accessibility to public transport.
16.	<i>Grow investment opportunities in the region's centres</i>	No	N/A	N/A
17.	<i>Align land use and infrastructure planning</i>	Yes	Yes	The proposal provides for logical infill development, as nominated by the North Wyong Shire Structure Plan.

<i>Direction</i>		<i>Applicable</i>	<i>Consistent</i>	<i>Comment</i>
18.	<i>Create places that are inclusive, well-designed and offer attractive lifestyles</i>	No	N/A	N/A
19.	<i>Accelerate housing supply and improve housing choice</i>	Yes	Yes	The proposal provides for logical infill development, as nominated by the North Wyong Shire Structure Plan. Whilst the site is nominated as a long term development precinct, adequate services are available and (subject to confirmation) relative mining constraints have been resolved.
20.	<i>Grow housing choice in and around local centres</i>	No	N/A	N/A
21.	<i>Provide housing choice to meet community needs</i>	Yes	Yes	The proposed concept provides for subdivision to produce a range of lot sizes from 450m ² - 812m ² , enabling a variety of housing sizes to be accommodated.
22.	<i>Deliver housing in new release areas that are best suited to building new communities</i>	Yes	Yes	The proposal provides for logical infill development, as nominated by the North Wyong Shire Structure Plan.
23.	<i>Manage rural lifestyles</i>	No	N/A	N/A

Ministerial Section 117 Directions

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
<p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic centres.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>	<p>Not Applicable</p> <p>The proposal does not affect land within an existing or proposed business or industrial zone.</p>
1.2 Rural Zones	
<p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>	<p>Not Applicable</p> <p>The proposal does not affect land within an existing or proposed rural zone.</p>
1.3 Mining, Petroleum Production and Extractive Industries	
<p>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.</p> <p>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 such development.</p>	<p>Applicable</p> <p>The proposal is located within land affected by coal lease CCL 707.</p> <p>Documentation submitted with the proposal indicates that rezoning and future development of the subject site is unlikely to impact future resource extraction in this locality.</p> <p>This will be validated through government agency consultation, subject to the proposal proceeding.</p> <p>The consistency of the proposal with this Direction is yet to be determined.</p>
1.4 Oyster Aquaculture	
<p>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.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the</p>	<p>Not Applicable</p> <p>The proposal does not affect land within a Priority Oyster Aquaculture Area.</p>

Direction	Comment
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.	
1.5 Rural Lands	
<p>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.</p> <p>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.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The ecological assessment submitted with the proposal identifies that the Endangered Ecological Community (EEC) on the site is predominantly located within the E2 Environmental Conservation zoned area of the site. This portion of the site is identified as an inter-regional corridor within the strategic regional planning framework (Central Coast Regional Plan – CCRP. Some minor boundary adjustments of the E2 zone extent may be required to reflect this EEC.</p> <p>The assessment also identifies however that the remainder of the site as zoned E3 contains actual and potential habitat for a number of threatened fauna species (including microbats and squirrel gliders). The site also forms part of a local corridor connecting the riparian corridor through the site to the north.</p> <p>The revised concept partially addresses this matter, however further validation is required.</p> <p>The proposal is inconsistent with this Direction.</p>
2.2 Coastal Protection	
<p>Aims to implement the principles in the NSW Coastal Policy.</p> <p>Applies when a planning proposal applies to</p>	<p>Applicable</p> <p>Through the site's inclusion within the North Wyong Shire Structure Plan (NWSSP) as a future</p>

Direction	Comment
land in the <i>Coastal Zone</i> .	<p>development precinct, the proposal is considered consistent with the <i>Coastal Design Guidelines</i> (2003).</p> <p>The subject site is located within the coastal zone. An assessment of the proposal against the Principles of the NSW Coast Policy has been undertaken (see <i>Supporting Documentation</i>).</p> <p>The proposal is generally consistent with the Principles of the Coastal Policy NSW; however those matters relating to environmental protection zones require further investigation.</p> <p>The consistency of the proposal with this Direction is yet to be determined.</p>
2.3 Heritage Conservation	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The proposal has been supported by a preliminary Aboriginal heritage assessment (see <i>Supporting Documentation</i>).</p> <p>Whilst this did not identify items or sites of significance, further investigative studies will be required, post-gateway determination in accordance with the OEH Guidelines for Aboriginal Heritage Investigations for Proponents (2010).</p> <p>The consistency of the proposal with this Direction is yet to be determined.</p>
2.4 Recreational Vehicle Areas	
<p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The proposal does not seek land to be developed for the purpose of a recreation vehicle area.</p> <p>The proposal is consistent with this Direction.</p>
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	
<p>Aims to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing</p>	<p>Applicable</p> <p>The site is located within a nominated long term development precinct by the NWSSP. The</p>

Direction	Comment
<p>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.</p> <p>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.</p>	<p>timing for the early release is justified through completion of mining activities within the locality and availability of supporting infrastructure.</p> <p>The proposed lot size to be applicable to the site will be consistent with the general 450m² applicable to other land zoned R2 zoned under Wyong LEP 2013. Consent for the development of the site will not be granted until such time as essential services are connected (Clause 7.9 Wyong LEP 2013), in addition to any state infrastructure requirements being provided (Part 6 Wyong LEP 2013).</p> <p>The proposal is consistent with this Direction</p>
3.2 Caravan Parks and Manufactured Home Estates	
<p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The current zoning of the site does not permit caravan parks.</p> <p>The proposal is consistent with this Direction.</p>
3.3 Home Occupations	
<p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>Home occupations are permissible without consent in both the existing and proposed zones.</p> <p>The proposal is consistent with this Direction.</p>
3.4 Integrating Land Use & Transport	
<p>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.</p> <p>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.</p>	<p>Applicable</p> <p>Through the site's inclusion within the North Wyong Shire Structure Plan (NWSSP) as a future development precinct, the proposal is considered consistent with the applicable guidelines and policies.</p> <p>The proposed is consistent with this Direction.</p>

Direction	Comment
3.5 Development Near Licensed Aerodromes	
<p>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.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>Not Applicable</p> <p>The site is not located in the vicinity of a licensed aerodrome.</p>
3.6 Shooting Ranges	
<p>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.</p> <p>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.</p>	<p>Not Applicable</p> <p>The proposal is not located in the vicinity of a shooting range.</p>
Hazard & Risk	
4.1 Acid Sulfate Soils	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>Applicable</p> <p>The subject site is Class 5 acid sulfate soils (located within 500m of a Class 1 and 2 acid sulfate soil.</p> <p>This matter has not yet been investigated.</p> <p>The consistency of the proposal with this Direction is yet to be determined.</p>
4.2 Mine Subsidence & Unstable Land	
<p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits</p>	<p>Applicable</p> <p>The subject site is located within the Swansea/North Entrance Mine Subsidence District.</p>

Direction	Comment
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.	Information submitted with the request identifies that NSW Subsidence Advisory and the Department of Primary Industries (Geological Survey) do not object to the proposal. This will require validation with the respective agencies. The consistency of the proposal with this Direction is yet to be determined.
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 The southern portion of the subject site is affected by both the 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) events occurring within Lake Macquarie. The impacts of local flooding from Karignan Creek are unknown. Additional site specific flood investigations will be required to be undertaken. The consistency of the proposal with this Direction is yet to be determined.
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 The concept plan as submitted has demonstrated through supporting studies that compliance with the provisions of <i>Planning for Bushfire Protection (PBP) 2006</i> can be achieved. The assessment however does not consider the impacts on compliance with the PBP 2006 should vegetation on the site be required to be retained for ecological/biodiversity conservation purposes. The consistency of the proposal with this Directions is yet to be determined.
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	Not Applicable

Direction	Comment
Strategy.	
5.2 Sydney Drinking Water Catchments	
<p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
<p>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.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
<p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
5.8 Second Sydney Airport: Badgerys Creek	
<p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
5.9 North West Rail Link Corridor Strategy	
<p>Aims to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) and ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Direction	Comment
<p>Applies to the This Direction applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.</p>	
5.10 Implementation of Regional Plans	
<p>Aims to give legal effect to the vision, land use strategy, goals, directions and actions contained within Regional Plans.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The proposal is consistent with the strategic direction established by the <i>Central Coast Regional Plan 2036</i>. Further investigations are required to demonstrate that the proposal is consistent with a number of relevant directions of the plan (e.g. <i>protect and manage environmental values</i>).</p> <p>The consistency of the proposal with this Direction is yet to be determined.</p>
Local Plan Making	
6.1 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The proposal does not seek to include additional approval or referral requirements.</p> <p>The proposal is consistent with this Direction.</p>
6.2 Reserving Land for Public Purposes	
<p>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.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The subject site is not identified for acquisition for public purposes. It does however seek to transfer the southern portion of the site into Council ownership. This has not been agreed to at present.</p> <p>The proposal is consistent with this Direction.</p>
6.3 Site Specific Provisions	
<p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>Applicable</p> <p>The proposal does not seek to apply specific site specific provisions through the LEP. Additional site specific development control plan provisions however may be necessary to guide further development.</p> <p>The proposal is consistent with this Direction.</p>

Direction	Comment
Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	
Aims to give legal effect to the planning principles, directions and priorities for sub regions, strategic centres and transport gateways contained in A Plan for Growing Sydney	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
7.2 Implementation of Greater Macarthur Land Release Investigations	
Aims to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan.	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).
7.3 Parramatta Road Corridor Urban Transformation Strategy	
Aims to facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016) and the Parramatta Road Corridor Implementation Tool Kit.	Not Applicable. This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).

SEPP Assessment

State Environmental Planning Policy	Comment
SEPP 44 – Koala Habitat	
<p>Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <p>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</p> <p>(b) by encouraging the identification of areas of core koala habitat, and</p> <p>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones</p>	<p>The subject site is greater than one (1) hectare in area; therefore the provisions of the SEPP are applicable.</p> <p>The ecological assessment submitted with the proposal identifies that koala feed trees (<i>Eucalyptus robusta</i> and <i>Eucalyptus haemastoma</i>) comprised at least 15% of the subject site, therefore constitutes as potential koala habitat.</p> <p>OEH records and past surveys identified a population of koalas in the local area, approximately 2km of the subject site.</p> <p>Surveys undertaken on the subject site did not directly locate koalas, nor provide any secondary evidence of occupation (scratches, scats etc).</p> <p>Additional targeted surveys are required to be undertaken to determine of any local transient populations.</p>

State Environmental Planning Policy	Comment
SEPP 55 – Remediation of Land	
<p>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</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(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</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>The site has been historically utilised for agricultural uses, including market gardens and grazing.</p> <p>The Preliminary Site Investigation (PSI) identified that contamination potential from offsite land use is considered to be relatively low.</p> <p>The PSI identified that historical and current land uses (storage of materials and existing structures) occurring within the site could be potentially contaminating.</p> <p>The PSI indicates that the extent of contamination on site is likely to be localised and should be capable of remediation.</p> <p>Further investigations and soil sampling is required post-gateway to determine the extent of contamination within the Areas of Environmental Concern (AEC), following removal of surface debris, waste materials and suspected Asbestos Containing Materials (ACMs).</p>
SEPP 71 – Coastal Protection	
<p>Aims:</p> <p>(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and</p> <p>(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</p> <p>(e) to ensure that the visual amenity of the coast is protected, and</p> <p>(f) to protect and preserve beach environments and beach amenity, and</p>	<p>The subject site is located on land which is within a coastal protection zone and partially as a sensitive coastal location (that area zoned E2 Environmental Conservation).</p> <p>An assessment of the proposal against the matters for consideration (Clause 8) of SEPP 71.</p> <p>The subject site does not have foreshore frontage, however the concept as submitted proposes the removal of large amounts of remnant vegetation. This aspect of the proposal is inconsistent with the SEPP.</p> <p>Additional investigations relating to items of Aboriginal Cultural Heritage significance will be required to be undertaken should the proposal proceed.</p>

State Environmental Planning Policy	Comment
<p>(g) to protect and preserve native coastal vegetation, and</p> <p>(h) to protect and preserve the marine environment of New South Wales, and</p> <p>(i) to protect and preserve rock platforms, and</p> <p>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and</p> <p>(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</p> <p>(l) to encourage a strategic approach to coastal management.</p>	
Mining, Petroleum & Extractive Industries	
<p>Aims:</p> <p>(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</p> <p>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</p> <p>(b1) to promote the development of significant mineral resources, and</p> <p>(c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and</p> <p>(d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development:</p> <p>(i) to recognise the importance of agricultural resources, and</p>	<p>The subject site is located within a Coal Seam Gas (CSG) exclusion zone. Mining is not permissible under the current zoning.</p> <p>Advice provided with the proposal indicates that the impact of surface development in the locality is unlikely to impact future resource extraction. This will be validated through government agency consultation should the proposal proceed.</p>

State Environmental Planning Policy	Comment
(ii) to ensure protection of strategic agricultural land and water resources, and (iii) to ensure a balanced use of land by potentially competing industries, and (iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.	

SEPP 71 (Coastal Protection) Assessment

Matters for Consideration
The aims of the Policy:
<p>The subject land, although not directly adjacent to the coast, is located within the coastal zone. Direct access to the coast is available from the subject site, via Karignan Creek.</p> <p>The subject site is identified as a future residential development precinct. The proposal, subject to the outcomes and inclusion of considerations from relevant investigative studies is considered to be consistent with the objectives of the policy.</p>
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved
The subject site does not have direct foreshore frontage. The area along Karignan Creek is not proposed for development.
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability
The subject site does not have direct foreshore frontage.
(d) the suitability of development given its type, location and design and its relationship with the surrounding area
The adjoining landuses include low density residential development in the form of typical residential subdivision and Manufactured Home Estates. The proposal residential development is consistent with the adjoining land uses and presents logical infill development.
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,
The subject site does not have direct foreshore frontage.
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,
The subject site does not have direct foreshore frontage.

Matters for Consideration

- (g) measures to conserve animals (within the meaning of the *Threatened Species Conservation Act 1995*) and plants (within the meaning of that Act), and their habitats

The subject site contains extensive remnant vegetation which provide habitat for a range of flora and fauna species. The proposed concept plan does not protect or improve these qualities.

- (h) measures to conserve fish (within the meaning of Part 7A of the *Fisheries Management Act 1994*) and marine vegetation (within the meaning of that Part), and their habitats

The subject site does not have foreshore frontage. The soils however in the locality are known to be dispersive clays which can affect water quality if unmanaged. Additional investigations are required to determine the soil of the subject site and identify appropriate management techniques for stormwater to avoid pollution impacts on Karignan Creek and Lake Macquarie.

- (i) existing wildlife corridors and the impact of development on these corridors

The land is partially within a green corridor as nominated by the North Wyong Shire Structure Plan (NWSSP).

The site also forms part of a local corridor connecting the riparian corridor of Karignan Creek and providing transitional vegetation to the drier vegetation types located within the Lake Macquarie State Conservation area. The proposed concept does not support the retention of this local corridor.

- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards

The subject site does not have foreshore frontage and is located at such a distance from the coastline that the future development would be impacted by coastal processes and coastal hazards.

- (k) measures to reduce the potential for conflict between land-based and water-based coastal activities

The subject proposal and future development does not have foreshore frontage and is located at such a distance from the coastline that potential conflict between land and water based activities is limited.

- (l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals

Subject to progression of the proposal, further assessment of this matter will be required to be undertaken.

- (m) likely impacts of development on the water quality of coastal waterbodies,

The subject proposal and future development does not have foreshore frontage. The soils however in the locality are known to be dispersive clays which can affect water quality if unmanaged. Additional investigations are required to determine the soil of the subject site and identify appropriate management techniques for stormwater to avoid pollution impacts on Karignan Creek and Lake Macquarie.

- (n) the conservation and preservation of items of heritage, archaeological or historic significance,

Subject to progression of the proposal, further assessment of this matter will be required to be undertaken.

Matters for Consideration

- (o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities

The adjoining landuses include low density residential development in the form of typical residential subdivision and Manufactured Home Estates. The proposal residential development is consistent with the adjoining land uses and presents logical infill development.

- (p) only in cases in which a development application in relation to proposed development is determined:
- (i) the cumulative impacts of the proposed development on the environment, and
 - (ii) measures to ensure that water and energy usage by the proposed development is efficient.

Not applicable

NSW Coastal Policy Assessment

Principles

- 1 Protecting, rehabilitating and improving the natural environment of the coastal zone.

The ecological assessment submitted with the proposal identifies that the Endangered Ecological Community (EEC) on the site is predominantly located within the E2 Environmental Conservation zoned area of the site. This portion of the site is identified as an inter-regional corridor within the strategic regional planning framework (Central Coast Regional Plan – CCRP. Some minor boundary adjustments of the E2 zone extent may be required to reflect this EEC.

The assessment also identifies however that the remainder of the site as zoned E3 contains actual and potential habitat for a number of threatened fauna species (including microbats and squirrel gliders). The site also forms part of a local corridor connecting the riparian corridor through the site to the north.

Further investigative studies and agency consultation regarding this matter are required.

- 2 Recognising and accommodating the natural processes of the coastal zone.

The subject site does not have foreshore frontage and is located a significant distance from the coastline. Future development would be unlikely to be impacted by coastal processes and coastal hazards.

- 3 Protecting and enhancing the aesthetic qualities of the coastal zone.

As per Principle 1.

The southern portion of the site is bounded by Karignan Creek which flows into Lake Macquarie. The zoning of this portion of the site is not proposed to alter from the current E2 Environmental Conservation zone.

- 4 Protecting and conserving the cultural heritage of the coastal zone.

Preliminary investigations have not identified areas or objects of Aboriginal cultural significance; however this is subject to confirmation through further investigative studies.

Principles	
5	Providing for ecologically sustainable development and use of resources.
As per Principle 1. The subject site is recognised as having some development potential and will provide for additional housing within the locality.	
6	Providing for ecologically sustainable human settlement in the coastal zone.
As per Principle 1. The site is located between two (2) existing residential settlements and is consistent with the character of the locality.	
7	Providing for appropriate public access and use.
The southern portion of the site is bounded by Karignan Creek which flows into Lake Macquarie. The zoning of this portion of the site is not proposed to alter from the current E2 Environmental Conservation zone. This is currently privately owned land. In the event the proposed land transfer to Council as proposed is not supported, the access arrangements to the creek and lake foreshore will remain unaltered.	
8	Providing information to enable effective management of the coastal zone.
Not applicable.	
9	Providing for integrated planning and management of the coastal zone.
The subject site is identified as a development precinct (Precinct 19) for long term residential development by the North Wyong Shire Structure Plan (NWSSP). Further investigative studies to be undertaken as part of the rezoning process will enable these matters to be resolved.	

Wyong Shire Community Strategic Plan

Objectives & Actions	Applicable	Assessment/Comment
1. Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood		
1a - Expanding and supporting programs that increase participation among all ages	N	N/A
1b - Expanding and supporting programs and activities that encourage and enhance neighbourhood connections	N	N/A

Objectives & Actions	Applicable	Assessment/Comment
1c - Encouraging and valuing genuine youth and seniors participation in the community	N	N/A
1d - Expanding and resourcing children and family service programs	N	N/A
1e - Developing and implementing the Wyong Shire-wide Settlement Strategy	N	The subject site is identified for development through the <i>North Wyong Shire Structure Plan (NWSSP)</i>
1f - Improving the effectiveness of the system of connections that tie towns/suburbs and facilities of the Shire together as well as connecting to the wider region	N	N/A
1g - Implementing the Regional Strategy for the Central Coast that will guide appropriate development, maintain the lifestyle and environment and include Government intervention to provide more than 45,000 jobs in the next 25 years (Regional Strategy)	Y	The proposal is generally consistent with the goals of the <i>Central Coast Regional Plan (CCRP) 2036</i> and NWSSP
1h - Planning and delivering a new Town Centre at Warnervale including a new railway station and transport interchange (Regional Strategy)	N	N/A
1i – Having residents as active participants in setting the direction of their communities	N	N/A
1j – Ensuring communities are safe and have a clear perception of security	N	N/A
1k – Providing individuals with access to a variety of housing types that enable residents to buy or rent accommodation locally	Y	The proposal seeks to provide for low density residential housing within new release areas.
1l – Taking a long-term integrated approach to the provision of both new and existing infrastructure	Y	The proposal will be required to ensure that the necessary servicing infrastructure is available to support the future population of the locality.

Objectives & Actions	Applicable	Assessment/Comment
2. 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.		
2a - Ensuring public and private bus services are timely, clean, safe and affordable	N	N/A
2b - Upgrading train and public transport services between Newcastle and Sydney Central ensuring the service is safe, timely and reliable	N	N/A
2c - Improving and linking the bicycle/shared pathway network and related facilities to encourage more cycling opportunities	Y	Any future development of the subject site will be subject to contributions to provide for necessary infrastructure in the locality. An existing shared pathway extends east and west of the subject site within the Mulloway Road reserve.
2d - Improving commuter parking at railway stations	N	N/A
2e - Improving commuter hubs along the freeway	N	N/A
2f - Creating a better public transport system including new outer suburban train carriages, upgrades of the Tuggerah station, rail maintenance upgrades and better local bus services (Regional Strategy)	N	N/A
2g - Ongoing upgrading of roads in the region including The Entrance Road and Pacific Highway (Regional Strategy)	N	N/A
2h - Improving the M1 links to Sydney to three lanes in each direction in partnership with the Federal Government (Regional Strategy)	N	N/A
2i - Providing an integrated transport system that satisfies users' needs	N	N/A

Objectives & Actions	Applicable	Assessment/Comment
2j – Supporting commuters and their families	Y	The proposal seeks to provide for low density residential housing which is in close proximity to local employment opportunities
2k – Supporting the development of a regional airport within the Shire	N	N/A
3. Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.		
3a - Providing and maintaining local and regional community facilities for recreation, culture, health and education	N	N/A
3b - Providing and maintaining a range of community programs focused on community development, recreation, culture, environment, education and other issues	Y	Any future development of the subject site will be subject to contributions to provide for recreation infrastructure in the locality.
3c - Providing recurrent funding for community support and development services	N	N/A
3d - Promoting community facilities to help maximise their benefits and use	N	N/A
3e - Balancing the varying provision of facilities and amenities between towns/suburbs to enhance the quality of life in the Shire	N	N/A
3f - Maximising the access to, and potential for, new and existing facilities/infrastructure to support growth	Y	Any future development of the subject site will be subject to contributions to provide for recreation infrastructure in the locality.
3g – Supporting people in the community to lead healthy, active lifestyles	Y	Any future development of the subject site will be subject to contributions to provide for recreation infrastructure in the locality
3h – Providing access to basic and specialist health care services to all community residents	N	N/A

Objectives & Actions	Applicable	Assessment/Comment
4. The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.		
4a - Generating community awareness and behavioural change about the value of ongoing education	N	N/A
4b - Creating programs that encourage lifelong learning for everyone	N	N/A
4c - Creating and maintaining programs to actively encourage community involvement in educational institutions	N	N/A
4d - Establishing and maintaining a committed network of education, community, business and government representatives	N	N/A
4e - Providing programs and services which respond to changes in the field of education in Wyong Shire	N	N/A
4f – Accessing a range of post school, tertiary, and degree based educational facilities. Promote innovation in areas important to the local and regional economy	N	N/A
4g – Providing education, training and skills development that reflect the region’s specific employment needs	N	N/A
4h – Ensuring that all students and educational institutions have access to high quality services and technological resources	N	N/A
5. Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.		
5a - Preserving threatened and endangered species as well as ecological communities and biodiversity	Y	The proposed concept plan does not adequately consider the existing vegetation on the subject site.

Objectives & Actions	Applicable	Assessment/Comment
5b - Expanding and continuing programs focused on restoring degraded natural areas in our community	N	N/A
5c - Ensuring all development areas create or maintain tree covered ridgelines and waterways	N	N/A
5d - Developing and implementing strategies to reduce the Shire's Environmental Footprint	N	N/A
5e - Developing and implementing a Natural Resource Management Strategy for Wyong Shire	N	N/A
5f – Ensuring sustainable development that is sympathetic to the local setting and reflects community values	Y	The development of the subject site presents a logical infill development. However the proposed concept plan does not adequately consider the existing vegetation on the subject site.
6. There will be a sense of community ownership of the natural and built environment through direct public involvement with programs and services.		
6a - Improving and promoting public access to environmental areas	Y	The subject site is located in close proximity to Lake Macquarie.
6b - Establishing and maintaining projects and programs to encourage more active participation in community based environmental activities	N	N/A
6c - Creating and promoting a network of renowned bush trails	N	N/A
6d - Establishing a community event based around our lakes and beaches	N	N/A
6e - Developing and implementing a tree planting program	N	N/A
6f - Creating, maintaining and promoting a series of community gardens	N	N/A
6g - Supporting and encouraging volunteer groups and champions	N	N/A

Objectives & Actions	Applicable	Assessment/Comment
6h – Maintaining and making available information about the environment and environmental change	N	N/A
6i – Community awareness of sustainability and environmental issues impacting Wyong Shire	N	N/A
7. There will be a strong sustainable business sector and increased local employment built on the Central Coast's business strengths		
7a - Providing a coordinated approach to business generation, employment and development for the region	N	N/A
7b - Identifying and leveraging the competitive advantages of Wyong Shire	N	N/A
7c - Supporting the growth of the Shire as a competitive major business sector while reducing the alienation of towns/ suburbs that can result from regional pressures	N	N/A
7d - Actively promoting the business benefits of Wyong Shire. Creating a single executive level voice to attract employment generating development to the Central Coast and negotiating in liaison with all relevant agencies	N	N/A
7e - Establishing and maintaining a strategic database on business and economic trends on the Central Coast	N	N/A
7f - Establishing and maintaining key industry networking roundtables	N	N/A
7g - Regularly identifying Central Coast businesses that are innovative and creative with high growth potential ("gazelles")	N	N/A
7h - Supporting the development of a major Conference Centre in the Shire	N	N/A

Objectives & Actions	Applicable	Assessment/Comment
7i - Ensuring adequate and appropriate employment land in the Shire	N	N/A
7j - Sourcing tourist attractions across the Shire	N	N/A
8. Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.		
8a – Advocating for the provision of high speed broadband throughout Wyong Shire	N	N/A
8b - Developing and implementing guidelines to ensure all residences and businesses as well as commercial and educational centres can be quickly linked to fibre-optic telecommunications networks	N	N/A

2.8 Wyong Local Environmental Plan 2013 Amendment Request - 15 Mulloway Road, Chain Valley Bay

RESOLVED on the motion of Mr REYNOLDS:

204/17 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, to rezone the land known as Lot 273 DP 755266, 15 Mulloway Road, Chain Valley Bay, from E2 Environmental Conservation and E3 Environmental Management to E2 Environmental Conservation and R2 Low Density Residential, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979;

205/17 That Council forward the Planning Proposal to the NSW Minister for Planning requesting a gateway determination, as well as requesting delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979;

206/17 That Council prepare and exhibit, subject to the Gateway Determination, appropriate Development Control Plan provisions to amend Wyong Development Control Plan 2013;

207/17 That Council prepare and exhibit, subject to the Gateway Determination, appropriate amendments to applicable Section 94 Development Contributions Plan (if required) to support the development of the subject land;

208/17 That Council authorise staff to negotiate and prepare a Voluntary Planning Agreement with respect to any aspect of the proposal, (if required);

209/17 That Council undertake community and public authority consultation, in accordance with the Gateway Determination requirements, including the concurrent exhibition of the draft Development Control Plan, draft amending Section 94 Development Contributions Plan and draft Voluntary Planning Agreement (if required);

210/17 That Council consider a further report on results of the agency and community consultation.

Procedural Item

RESOLVED on the motion of Mr REYNOLDS:

211/17 That Council consider items 3.1, 3.2, 3.3 and 3.4 en-bloc.

