



Item No: 3.5
Title: Supplementary Report - Proposed Residential and Conservation Zoning for 285-335 Pacific Highway Lake Munmorah
Department: Environment and Planning

27 April 2020 Ordinary Council Meeting

Reference: F2019/00041-004 - D13806053
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Summary

A decision of Council is required for the action to progress. The impact on project without a resolution of Council is as follows:

- A Guide to Preparing Local Environmental Plans provides guidance and information on the process for making local environmental plans (LEPs) under Part 3 of the Environmental Planning & Assessment Act, 1979 (the Act). In accordance with this guide Council has 90 days to inform the applicant as to whether the application will be supported or not.
- If the proposal is considered to have merit the application cannot be progressed for Gateway Determination in a timely manner.
- This Planning Proposal is one that has already been considered by the Council on 28 October 2019. At this meeting Council resolved to "defer consideration of this item for a site inspection to be conducted and a briefing at the monthly planning workshop to be provided". The site inspection and planning workshop briefing occurred on 3 February 2020.

A proposal has been submitted to Council to prepare a Planning Proposal to amend *Wyong Local Environmental Plan 2013* or *draft Central Coast Local Environmental Plan* (if in effect) on land at 285-305, 315, 325 and 335 Pacific Highway Lake Munmorah.

The matter was initially considered at the Ordinary Meeting of the Council on 28 October 2019 where Council resolved:

1006/19 That Council defer consideration of this item until a site inspection and workshop has been conducted to determine key principles in regards to transport networks, land capabilities, sustainability and livability features.

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Site inspections were undertaken on 12 December 2019 and 3 February 2020. The site inspections were attended by the following councilors and staff:

12 December 2019

- Councillor Jeff Sundstrom
- Council staff

3 February 2020

- Mayor, Councillor Lisa Mathews
- Deputy Mayor, Councillor Jane Smith
- Councillor Jeff Sundstrom
- Council staff

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

1 Where is the site in relation to the shopping centre?

Comment: The Lake Munmorah commercial zone is located on the subject site's western boundary.

2 Where is the waterway on the site?

Comment: Minor waterways which connect with Karignan Creek traverse no's 285, 295 and 305 Pacific Highway, Lake Munmorah.

3 Will the waterways and wetlands be retained?

Comment: The Proponent will be required to undertake further investigative studies to inform areas suitable for rezoning. This includes overland flood studies and ecological assessments.

4 Who owns the land?

Comment: There are currently 7-8 lots included within the proposal area. Some of these are either owned or under option by the Proponent proposing the rezoning.

5 Can we apply Best Practice to this site to avoid and enhance existing vegetation?

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Comment: The Proponent will be required to undertake further investigative studies to inform areas suitable for rezoning. This includes overland flood studies and ecological assessments.

Additional controls will be defined within site specific development control chapters to manage future development of the land.

- 6 Can we prohibit cats within the rezoning area?

Comment: This is a difficult prohibition to enforce.

- 7 The western corridor should be a minimum 400m to correspond with Best Practise.

Comment: The Proponent is required to undertake further studies which will inform the required width of the corridor. Noting it is identified as a drainage corridor specifically.

The Council workshop as requested, was held on 3 February 2020.

The matter is now reported to Council for determination following the site inspection and workshop. The report recommends Council prepare a Planning Proposal and request a Gateway Determination from the Department of Planning, Industry and Environment in accordance with the original report (original report enclosed in full as Attachment 1).

Recommendation

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

- Lot 1 DP 626787;
- Lot 2 DP626787;
- Lot 437 DP755266;
- Lot 438 DP755266;
- Lot 27 DP 755266;
- Lot 12 DP771284; and
- Lot 83 DP 650114.

- 2 That Council rezone the subject sites from RU6 Transition to R2 Low Density Residential and E2 Environment Conservation. By amending the Wyong Local Environmental Plan 2013 (or Central Coast Local Environmental Plan) whichever is in effect at the time.**

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for 285-335 Pacific Highway Lake Munmorah (contd)**

- 3 That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination.**
- 4 That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.**
- 5 That Council undertakes public authority and community consultation in accordance with Gateway Determination requirements.**
- 6 That Council prepare and exhibit appropriate Development Control Plan provisions and other documents to support the development of the land subject to this planning proposal.**
- 7 That Council authorise staff to negotiate and prepare a Planning Agreement with respect to any aspect of the proposal to support the development of the subject land.**
- 8 That Council consider a further report on the results of public authority and community consultation.**

Attachments

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| 1 | Original Report - 28 October 2019 | | D13601029 |
| 2 | Planning Proposal Summary | Provided Under Separate Cover | D13673422 |
| 3 | Strategic Assessment Table D13864631 | Provided Under Separate Cover | |