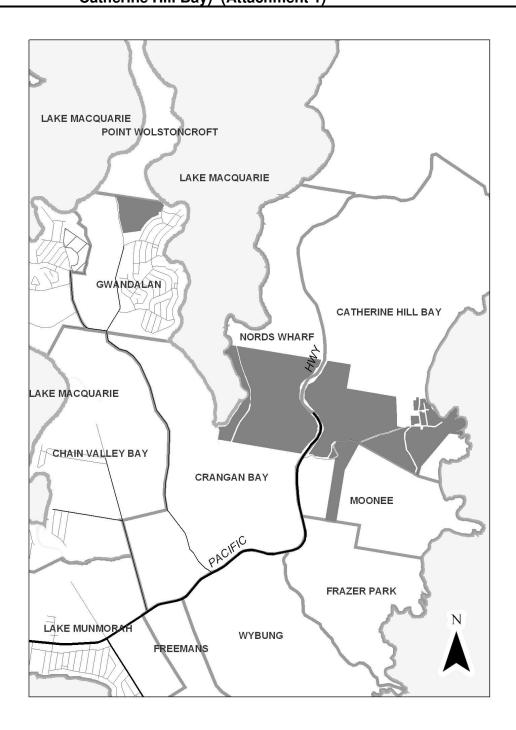
AMENDED REPORT

14 February 2007
To the Ordinary Meeting of Council

Director's Report Shire Planning Department



AMENDED REPORT

WYONG SHIRE COUNCIL

14 February 2007
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054

Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay)

F2004/10306 SI:SI

SUMMARY

Council staff have reviewed the documents currently on public exhibition by the Department of Planning for the State Significant Site and Major Project (concept plan) application for developments by Rosecorp Pty Ltd at Catherine Hill Bay and Gwandalan. This report seeks Council's endorsement of a submission to the Department of Planning in respect of both projects.

RECOMMENDATION

- 1 That Council lodge a submission to the Department of Planning generally in accordance with Attachment 2 to this report.
- 2 That Council make this report and attachments available on Council's website for the benefit of community groups and interested parties.
- That staff commence an urgent amendment of the Development Services Plan and Section 94 Contributions Plan Gwandalan District and prepare a Section 94 Contributions Plan, if necessary, for Catherine Hill Bay.

BACKGROUND

The Proponent (Rosecorp Pty Ltd) is seeking to rezone and list the subject site as a *State Significant Site in Schedule 3 of State Environmental Planning Policy (Major Projects 2005)* to facilitate the development of the Catherine Hill Bay and Gwandalan sites. The proponent is concurrently seeking approval for a concept plan under the provisions of Part 3A of the *Environmental Planning and Assessment Act 1979* for a residential subdivision of the Gwandalan portion of the site.

The two proposals comprise the following:

Gwandalan: 312 residential allotments in two stages covering some 26ha of land.

A lot layout for Stage 1 is proposed (224 lots); no details of Stage 2

are given. A density of 12 lots per hectare is proposed.

Catherine Hill Bay: 600 dwellings in 11 stages covering some 60ha of land, no details of

residential allotments are given on the development layout. Stage layout differs from the original DA application to Council in April 2005. The footprint in the original DA is smaller than the current concept

plan with no development occurring west of the existing Catherine Hill Bay village

The commercial area within the development will cover an area of 1000 m² and include a general store, pharmacy, hairdresser, various specialty stores and a community hall.

Council provided, to the Director General of Planning, a list of issues to be considered in their requirements to the proponent. This was sent on to the Department of Planning on 7 December 2006 and covered both the Catherine Hill Bay and Gwandalan development areas.

In response to the public exhibition of the proponent's application, a further submission has been prepared and will be provided to the Department of Planning by 2 March 2007.

The proposal is being publicly exhibited at the Department of Planning (Head Office), Department of Planning (Central Coast Office), Department of Planning (Hunter Office), Lake Macquarie City Council, Wyong Shire Council (Council Chambers and web links on Council's website).

It should be noted that the exhibition period was over the Xmas/New Year period making it difficult for Council staff and community interest groups to have adequate time to review and comment on the proposals. The two projects are major developments which, if submitted to Council for assessment, would each have taken considerable time – probably months to receive sufficient detailed information for assessment purposes. To only have six weeks to assess both proposals compromise both Council's and the general public's ability to thoroughly review the proposals.

COUNCIL'S PREVIOUS RESOLUTIONS

In respect of the Gwandalan site, Council has previously considered a rezoning application by the applicant. At Council's Ordinary Meeting held on 27 January 2005 Council resolved:

- "1 That Rosecorp be advised that the release of Precinct 1A can proceed as specified in the adopted Wyong Residential Development Strategy (December 2002). The current best estimate as to when this rezoning would commence is in approximately 4 years.
- That Rosecorp be advised that additional studies will be required to fully assess the environmental, social and economic implications of rezoning the subject land detailed in the attached report, and that time limited fauna and flora studies be detailed to Rosecorp for commencement over this period so that they do not constrain rezoning proceedings in the future.
- That Rosecorp be requested to withdraw Rezoning Application 02/2004 and if not withdrawn that it be determined by refusal."

Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (contd)

Following this, at Council's Ordinary Meeting held on 13 April 2005 a Rescission Motion was carried and Council resolved as follows:

"That this matter be deferred to enable further discussions on resourcing the necessary studies and work."

At Council's Ordinary Meeting held on 23 January 2006, the above resolution was rescinded and the following resolution was carried:

"That rezoning of Precinct 1A at Gwandalan not proceed at this point in time and that Council's solicitors be requested to report on Council's and Councillors' exposure should the Rosecorp Project be stopped by Council at this stage."

Council has previously received a Development Application for the land at Catherine Hill Bay. The original DA proposal comprised 900 dwellings located predominantly on the old stockpile sites and a net density of 30 dwellings per hectare. The current proposal comprises 600 dwellings and net density of 10 dwellings per hectare although there are large areas excluded from this proposal that would likely comprise future development proposals. These are shown in grey on the submitted maps.

RELEVANT ISSUES

Council staff assessment of the application has been undertaken, having regard to the relevant matters under the *Environmental Planning and Assessment Act, 1979* and other requirements. The two proposals were assessed separately in order to make the issues and therefore Councils' comments clearer.

Council's previous submission to the Director-General is included as Attachment 2 for reference. It appears that many of the major issues Council identified as needing to be addressed in any application from the proponent were not taken up by the Director-General of Planning. This is reflected in the significant amount of insufficient and inadequate information provided in the exhibition material.

The issues covered in the attached Summary Table, similar to our previous submission to the Director-General, include open space, social and population Impact, traffic, infrastructure and services, contaminated land, aboriginal and European heritage issues, mine subsidence, bushfire assessment, threatened species, water, coastal issues and planning controls.

COUNCIL'S SUBMISSION

Detailed comments have been received from across Council in respect of the two projects. They have been based on the public exhibition material, two large folders of reports and information and associated maps and diagrams. Due to the scale and complexity of the two sites this has meant there has been considerable time required to review the extensive amount of material submitted by the applicant in a short time.

To date staff have not had the opportunity to hear from Councillors. This will have occurred in a Councillors briefing session on Wednesday, 14 February 2007. Additional comments or recommendations from Councillors will be part of the final submission to the Department of Planning.

Attachment 3 contains the Summary Table of issues and comments compiled by technical staff. The main points that are raised are as follows:

Catherine Hill Bay

- There is insufficient information submitted to adequately assess bushfire assessment (APZs), threatened species such as Themeda Grassland, Tetratheca juncea, the level of impact from the development in the SEPP 14 wetland, detailed assessment of a number of species (ie microbats and frogs), downstream requirements of stormwater management schemes, achievement of predevelopment flows, establishment of a Coastal Hazard Line, details of traffic measures, public transport, pedestrian/cycleways and open space. Additionally, no visual assessment of the proposal was undertaken to assess its impact when viewed from both short and distance views.
- There is no existing Section 94 Contribution Plan for this area. There are no details provided of who will pay for the upgrade of roads, open space, community facilities, cycleways, beach access and patrolling, pollution monitoring or environmental rehabilitation. There needs to be a developer agreement, or similar, signed that will cover these matters or costs will be transferred on the Shire's ratepayers. Council needs to have input into any agreement to ensure that all costs are covered.
- There is no detail of what role Council will play in the DA process once the rezoning is approved by the State Government. Will Council be charged with assessing the DA's and working through the detail of the proposal or will the State Government assess all the DAs for this project?
- There is limited detail on the upgrading of Montifore Street in regards to travelling lanes, shoulder width, verges and road reserve widths to accommodate WSUD drainage treatments. These issues need to address Council's standards and be funded by the proponent.

Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (contd)

- Pocket parks within the development are small, irregular shaped pieces of open space that provide restricted usage to the community. Recreation activities will be limited and will the narrow widths cause conflict with adjacent landowners?
- 6. No retail study has been submitted to assess the size and adequacy of the proposed retail floor space and no relationship or impact with Council's draft Retail Strategy review has been undertaken.
- In an isolated area and community there is very little information regarding proposed community facilities, services, programs and public transport for the new community. This has always been a concern of Council's in relation to the establishment of any community in that area. What is the threshold for the provision of services to this area eg. Will bus companies provide additional services to Catherine Hill Bay on a regular basis that will be sufficient to service the community? This is not the case currently at Gwandalan.
- It is not clear from the information provided that the State Government will be able to resolve the threatened species issues across the study area without being able to 'turn off' the legislation. A key one is the administration of the *Threatened Species Conservation Act*, 1995. It is unclear whether some sort of process to biocertify the dLEP will occur, or whether these along with other environmental considerations will somehow be addressed as part of requirements to obtain concept plan and project approvals once the site is listed under Schedule 3 of the Major Projects SEPP.
- In relation to contaminated land, there is insufficient information for Council to form the opinion that residential developments on that part of the development to be located on top of the coal chitter is acceptable. Given litigation that has occurred on other sites within NSW (eg Armidale) this is a serious issue that should be resolved to the satisfaction of an Environmental Auditor at the rezoning stage.

Gwandalan

- The subdivision footprint is larger than the original rezoning application (only 227 lots). Council's Residential Development Strategy identifies 270 dwellings for the site. Council's desktop assessment in 2004 raised a number of environmental and drainage issues that were likely to result in a reduction in the number of allotments that would have been able to be developed on the land. The current proposal is for 312 standard residential allotments (12 dwellings per hectare) over a larger footprint. Attachment 4 is a copy of the previously considered rezoning concept plan.
- The "Gwandalan District" Section 94 Contributions Plan No. 12 currently applies to the land. Amendments will be required as a result of more detailed planning of the area. eg. traffic study update, open space assessment. There is insufficient information provided by the proponent at this stage to fully account for all the items that would need to be costed for this Plan. However, due the urgency of needing the Plan, staff should be required to prepare an amendment to the Section 94 Plan No 12 immediately.

- The proposal does not take into account the additional use of Point Wolstoncroft as a result of opening up the road, thereby increasing public access to the area. What are the likely impact on this bushland?
- 4 No mention of public access and dedication of the foreshore. Council requires a link to be created between the Point Wolstoncroft Sports and Recreation Centre and the public open space corridor along the lake to the south.
- Current infrastructure (Sewer pump station) is not sufficient to cater for more than 150 additional dwellings in this area. Notwithstanding any other infill development on vacant lots, minor proposed rezonings (Summerland Land school site 21 lots), upgrades will be needed to cater for this development. A review of the local Development Services Plan is needed urgently. It should also be noted that the Coal and Allied proposal at Gwandalan proposes some 700 dwellings in addition to that proposed by Rosecorp Pty Ltd.
- The bushfire assessment fails to consider basic principles such as topography and vegetation required by the Rural Fire Service and the importance of maintaining bushfire corridors.
- 7 Threatened species Tetratheca juncea concept plan shows total removal of all plants. No identification of specific compensation for such a significant community of plants. The application relies on the overall environmental land trade-off with the State Government as a way of addressing this issue. There is no evidence that the proposal has been assessed by the Catchment Management Authority and any issues raised by them.
- Other species which need to be addressed on this site include threatened orchid species within the site. Species from the surrounding area such as Koala and the Eastern Pygmy possum need to be addressed. A seven part test needs to be provided within the Threatened Species Ecological Constraints Exhibition material.
- Information is limited regarding Council's role in relation to the "State Significant" process and will an SIS be required to address the removal of an Endangered Ecological and Environmental Community (EEC) and threatened species. Again, the Catchment Management Authority's comments are not known.

Attachment 1 Locality Plan (1 page)

Attachment 2 Council's Submission to the Director-General

(7 December 2006) (7 pages)

Attachment 3 Council's Summary Table of comments to public exhibition

(14 February 2007) (10 pages)

Attachment 4 Gwandalan Rezoning Application Concept Plan (1 page)

Enclosures Catherine Hill Bay Concept Plan

Gwandalan Concept Plan

PART 3A SUBMISSION TO THE DEPARTMENT OF PLANNING

CATHERINE HILL BAY

		SOCIAL
	Statement	Comment
Open Space	Main access paths to the beach are in narrow bushland to rear of properties	A road edge to the bushland providing better delineation of private and public space.
	Circular open space surrounded by the major road intersection	Open space effectively a roundabout. Strong pedestrian links must be put in place to proposed open space for safe access.
	Circular open space has no off street adjacent parking	Parking will be on the street, peak use times will impact on the safe operation of roads.
	Pocket parks don't satisfy requirements of Open Space Principles plan in terms of size and shape Planting guidelines	They will provide limited play function due to narrow width. Tapering widths could create potential conflicts with adjacent landowners.
	Visual character of Catherine Hill Bay and Moonee Village	 Information to be provided in reference to native species or cultural plantings so as to remain in context with typical coastal villages. Visual amenity will be greatly affected in views looking North from the beach and bushland from the South.
Social and Population Impact	Housing marketAgeing demographic	 Very difficult to see how this proposal would offer housing options to a wide range of groups and family structures or existing residents of the Shire, particular older residents. The population is likely to have an ageing demographic that will require passes to appreciate consider.
		require access to appropriate services.
	Community Recreation Centre Building Increased demands	More information must be provided as to the nature of the Community Recreation building and programs to be provided. This must be accessible to all and provided as part of an early stage of development.
	on government funded services. • Education	Attention must be given to the future provision of medical / allied health services. The GP to patient ration in the northern part of Wyong Shire is well below the national average.
	Public infrastructure	High schools have capacity to accommodate more students. No details were provided as to the capacity of primary schools i.e. Nords Wharf and Swansea. Nords What are a second or
	Security	Provision of public infrastructure and will it be able to cope with the increased population? Security people to be addressed as an increase in crime may result.
		 Security needs to be addressed as an increase in crime may result from the proposal.

		SOCIAL
	Statement	Comment
Traffic	Options relating to intersection treatments	Signals at both intersections i.e. Flowers Dr (Nth) and Montefiore St (SW) are considered the most appropriate. Further detail required to determine extent of the works.
	 Development contributions 	External road works to be constructed/funded fully by the proponent.
	Traffic calming measures	 Streets be designed to Council standard so driving speeds are physically restricted to 40 km/h. It is not sufficient to rely on regulatory speed signs. Suggested "contained carriageway widths, surfaces, street geometry and landscaping will not be appropriate for primary calming measures.
	Public Road	Montefiore St must be dedicated as a public road and be upgraded to Council's requirements.
	Road layout	Internal road layout needs to be designed to accommodate long rigid buses and all other routes to accommodate the safe passage for heavy rigid vehicles.
	Car parking "Commercial premises"	Car parking associated with the commercial development must be provided on the same side of the road as the development.
	Car parking facilities	 Upgrading and increasing beach carparking areas due to Moonee and Catherine Hill Bay developments significantly increasing the population and users of these facilities at the proponents cost. Lack of footpaths on major pedestrian routes will limit accessibility for
	Footpath availability	the community. Footpaths must be provided on both sides of the road to adhere to
	Provision of cycleway	Council's DCP 66 subdivision. Cycleway layouts need to be amended to provide cycleway
	Public transport	 connection incorporating safe crossing facilities for the full length of Montefiore Street to the Pacific highway. A Public Transport is to be signed off by the Ministry of Transport and
		Wyong and Lake Macquarie Councils at the rezoning stage.
	Statement	ECONOMIC Comment
Infrastructure	Statement Stormwater	Comment There is a shortfall in the definition of the drainage and stormwater
and Services	infrastructure	management infrastructure. i.e. pipes, culverts, pumps etc. The proposed infrastructure information is lacking and as such shall create a shortfall when preparing the Section 94 Plans.
	Water supply approvals	 The proposal will create a demand for open space and community facilities in the local area which council would normally levy s.94 contributions. No arrangements have been put in place to address this issue. Concept plan states an agreement has been cemented that will see the Hunter Water Corporation responsible for all water supply
	Electricity	 approvals. Proponent to provide gas and electricity infrastructure before any development occurs.

		ENVIRONMENTAL
	Statement	Comments
Contaminated Land	Site investigation assessment Environmental site	 HLA's assessment was prepared for cleaning and rehabilitating the site for recreational and ecological use not for residential subdivision. HLA report identifies contaminants, namely asbestos, mineral fibre and lead paints in the maintenance areas. These issues must be addressed in dealing with these contaminants. An accredited environmental site auditor report is required to support
	auditor report	residential landuse on coal chitter before further consideration be given to development proceeding.
Aboriginal Issues	Archaeological assessment completed by Indigenous Outcomes PTY LTD.	 No Aboriginal artefacts or any recorded information of Aboriginal sensitive places were found. Study area is not considered archaeological or Aboriginal culturally sensitive.
European Heritage Issues	Heritage values	Heritage assessment is being conducted internally by Lake Macquarie Council.
Mine Subsidence	Mine subsidence authority	Approval by the Mine Subsidence Board must be obtained for any new development in reference to the Catherine Hill bay development site.
	Development contributions	 Long term funding by the proponent for restoration of despoiled land outside of the development footprint.
Bushfire Assessment	Appendix G (ecological constraints)	Appendix G is completely inadequate and fails to consider bushfire management in accordance with the typical methodology adopted by the NSW Rural Fire Service. Detailed assessment of the proposal is therefore unable to be undertaken due to the lack of relevant information.
	Asset Protection Zones (APZs)	 Significant slopes adjoining the southern side of the site need to be adequately analysed when determining the appropriate widths of APZs. APZs should be provided within the development footprint, it appears from the documentation that the proposed 20-40m APZ will be located within land that is otherwise noted to be dedicated for conservation
	Residential "islands" west of the existing village Local Emergency Services	 purposes. These residential "islands" will present significant challenges for emergency services personnel during bushfire incidents. Such a development pattern will require significant vegetation clearing to provide for the required APZ, to provide safe passage on the connecting road system and property protection during significant events. This particular pattern for residential development is difficult to support and it would be preferable to find appropriate community or recreational uses for these degraded parts of the site. It is recommended to treat these as isolated rural subdivision, and require a high degree of self-sufficiency with respect to fire protection. Significant expansion of local emergency services will be required, and the provision of dedicated land and an upgraded fire station adjacent to the Pacific Highway is supported.

		ENVIRONMENTAL contd.
	Statement	Comments
Threatened Species	Themada Grassland Sepp 14 Wetland	 An assessment of the distribution, status and the impact of development on the Endangered Ecological Community (EEC) Themeda grassland on seacliffs and coastal headlands in the NSW North Coast is required. Indicator species are prevalent across the headland and some distance back from the headland for this EEC. Detailed studies need to be done to determine the level of impact from development in the catchment. The development footprint should be
	Tetratheca junceaCorridor	 removed from the catchment of the wetland and creek. There are a number of records of <i>Tetratheca juncea</i> within Catherine Hill Bay. Wildthing report was performed outside of the flowering period. <i>T.juncea</i> is very difficult to detect outside this period. A specialist botanist needs to be engaged to conduct seasonal surveys for <i>Tetratheca juncea</i> to conform to the <i>T.juncea</i> Conservation Management Plan. A detailed assessment should be undertaken regarding the corridor value of the site and an update of the threatened species that occur across the site.
	Threatened species	 A specialist ecologist should be used for corridor design within the site. A detailed assessment plus greater survey effort is required for a number of species (i.e. microbats and frogs). Wildthing report makes no assessment of the Eastern Pygmy possum which is recorded south of the development. Development footprint would largely reduce any corridor movement across the site north-south for this species.
Water	Flow regimes	Stormwater management schemes have been developed without considering or determining the downstream requirements such as hydrological regimes and natural flow regimes. There is a lack of information presented and scenarios modelled.
	Stormwater management	 The receiving environments have not been presented and considered when developing the stormwater/drainage management plans. The civil engineering report does not consider the existing flow regimes and channel geomorphology, the potential impacts to the existing flow regime due to development, and what measures are to be undertaken to enhance and protect the existing flow regime and channel geomorphology. The Catherine Hill Bay/Moonie Civil engineering report comments on flows being discharged directly to the beach. "This is not acceptable" the degradation to the beach must be considered and alternatives must be investigated!
	Water quality analysis	 The Catherine Hill Bay report lacks a water quantity analysis for peak flows i.e. hydrological modelling using either XP-RAFTS or XP-STORM, and does not show that predevelopment flows can be achieved. The water quality analysis presented by both reports does not meet the Water Quality Objectives as specified by Council's Stormwater Management Plan.
	Music Model (model for urban stormwater improvement conceptualisation)	The Catherine Hill Bay report uses MUSIC software to conceptually design storages. MUSIC does not model peak flows for design storms. MUSIC model used incorrectly.

	ENVIRONMENTAL contd.		
	Statement	Comments	
Coastal Issues	Beach assessment	A beach hazard assessment has not been undertaken to establish a Coastal Hazard Line for the Catherine Hill Bay area.	
		The planning line for the proposed development needs to be consistent with the Coastal Hazard line when establishing the footprint for the site. This has not been done here.	
		Provision of Beach lifeguards must be addressed to ensure community safety along and around Moonee Beach.	
	Beach safety	This provision should be funded by the developer.	
		Appropriate access ways need to be provided in reference to Moonee beach to cater for serious and life threatening injuries.	
	Servicing requirements	An agreement from the applicant should be provided in reference to the provision of facilities such as toilets, change rooms, patrol tower etc.	
		Management of increased resident use of State recreation area. Need to upgrade tracks and National Parks and Wildlife services assets to manage impacts form increased park usage.	
		Beach carparking (Moonee Beach) not be part of Section 94 contributions but fully funded by the proponent	

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		LEGISLATION
	Statement	Comments
Planning Controls	R1 general Residential Zone Subdivision is	 Land zoned R1 permits multi dwelling housing, residential flat buildings, pubs and tourist accommodation. Zoning the land R2 (low density residential) is more appropriate to maintain the existing village character. Minimum lot sizes should be enforced with council's DCP 66
	permitted with consent regardless of lot sizes in zones R1, R2 and B1	subdivision i.e. minimum 500 ^{m2} .
	 Exempt and complying Development 	Exempt and complying development has not been adequately addressed.
	Development for short term holiday or tourist rentals is exempt development	 Must specify that only the use of an approved building is permitted without consent not the actual development. "Short term holiday or tourist rentals' is not defined anywhere. How long is short term?
	General Comment	 No clear link is evident from the planning controls back to the concept plan in terms of guiding development, particular development that does not constitute complying development. Objectives contained within the concept plan are not sufficient for complying development. Part 3A Permits under the Rivers & Foreshore Improvement Act will be required as watercourses are identified on topographical mapping. "AMCORD" is referred to by the engineering consultants in regard to road standards. This planning document is approx 20 years old and some geometric principles are dated and superseded. The engineering consultants refer to Lake Macquarie Council's guidelines for engineering issues not Wyong Council's.
	• SEPP 14	 Catherine Hill Bay / Moonee site does not consider the hydrological requirements / existing hydrological objectives for the SEPP14 wetland south of the site For the investigation into the management of the site's excess stormwater, it is imperative that the existing behaviour of this wetland be established. Changes to the hydrologic flow regime must be assessed, the impacts investigated, and options investigated and implemented to ensure the protection and enhancement of the SEPP14 wetland.
	Development Application (DA)	 Planning framework for future DA's on the site is not clear from information provided. There is the possibility that council might not have any development approval role to play with this site if the applicant is successful in achieving rezoning, concept plan and project approval through the State Significant Site process.

Department of Planning Exhibition – Rosecorp (Gwandalan and Catherine Hill Bay) (Attachment 2) (contd)

PART 3A SUBMISSION TO THE DEPARTMENT OF PLANNING - GWANDALAN

SOCIAL		
	Statement	Comment
Open Space	Area to population requirements Local parks Strategy Buffer Zone Recreation areas	 The open space area does not satisfy the area to population requirements of the Open Space Principles Plan. Proposal does not satisfy the endorsed strategy. Over half of residential lots are over 750m from the nearest playground at the Gwandalan Community Hall and 100% are more than 500m from the nearest playground. A buffer to be provided between the existing school and the development. No small recreation areas within the development. It is indicated that the state recreation area next door is open space, although they do not have access to it or use of it. Neighbourhoods park(s) / playground should be provided within stage 1 for use by residents. Continuation of the designated parkland on the North West border must continue along the northern boundary linking up with a
Traffic	Staging of development	dedicated foreshore link. Staging of the development should be reversed to minimise impact on construction traffic and haulage routes through existing residential areas
	Kanangra Drive	Dilapidation surveys should be completed on any of the residential streets as well as Kanangra Dr.
	BusesParent parking	 Public buses are not addressed within the transport report. There is no provision in their proposal regarding the 'U" turn of school buses in Kanangra Dr. Applicant should provide at the northern end of the development, turning facilities for school buses that conforms to the Ministry of transport, bus operator& Council. Applicant needs to address parent parking/setting down and picking up and reducing the speed of cars travelling in Kanangra Dr past the school if the land is developed.
	Intersections	 The most eastern, 16.5 wide, road must connect with the Eucla Rd / Garema Rd intersection. The intersection will require upgrading to identify/enforce who has right of way. Treatments (central median islands) are required at the proposed two intersections with Kanangra Dr. Adjustments are required to the Kanangra Dr / Orana Rd intersection, converting it to a "T" intersection. Intersection upgrading works at Orana Rd / Billabourie Rd and Billbabourie Rd / Garema Rd are require to prevent turning vehicles cutting corners.
	Access along Kanangra Drive Road Widths	 No direct access will be permitted to properties off Kanangra Dr. The loop road shown as 22 wide does not conform to Council's DCP 66 requirements. Needs to be widened to 24 metres to be adequate as a bus route and contain an off-road cycleway.
	Vehicle Speeds	 Council requires that facilities be installed so that driving speeds are physically limited to 40 km/h. Not sufficient to rely on regulatory speed signs.

SOCIAL contd.		
	Statement	Comment
Traffic contd	Pedestrian pathways/ cycleways	 A strip of land 5 metres wide along the Lake Macquarie foreshore, for the full extent of the property, should be dedicated at no cost to the council. This should connect to the northern loop road. A concrete cycleway is required for the full extent of this route. A concrete pedestrian / cycleway is required for the full extent of the development along Kanangra Dr.
	Public Transport	The applicant needs to provide a report from the Ministry of Transport and local bus company stating that it will extend the current bus service to include the proposed development.
Population and Social Impact	Social infrastructure	No social infrastructure is proposed within the subdivision. Further negotiations are required to establish applicant's commitment to social infrastructure provision and partnership opportunities. Key areas would be a community development program, establishment and operation of a Learning centre, community transport options and youth programs.
	Public space	The proposed subdivision layout does not appear to be conducive to neighbourhood interaction and activities. There are no small recreation areas, playgrounds or shared pathways linking the development to the foreshore of Lake Macquarie or existing community. The provision of public spaces does not provide opportunities for residents to connect and interact with fellow residents.
	Education facilities	Proposed development will have a significant impact on Gwandalan primary school. The school is at capacity and under resourced to meet a growing student population.
	Community consultation	Limited opportunities have been provided during the process for the broader community to be informed of the proposed development and to discuss issues. There is a need for wider consultation.
	Development strategies	Development strategies should be put in place so connection and integration of new resident's occurs within the existing and new development area.

ECONOMIC		
	Statement	Comment
Infrastructure and Services	Required infrastructure (drainage, water and sewer infrastructure)	 There is a shortfall in the definition of the drainage and stormwater management infrastructure i.e. pipes, culverts, pumps etc. The proposed infrastructure information is lacking and as such shall create a shortfall when preparing the Section 94 Plans. An over or under estimate of funding could be therefore be the result due to the under management of required infrastructure. Upgrading of the sewer pump station and rising main will be required after an additional 150 dwellings and is to be funded by the proponent. The design and construction of the water supply and sewerage infrastructure are to be in accordance with Council's Engineering Requirements for Development – Water Supply and sewerage respectively. Should connection of water supply and sewerage infrastructure be made to Gwandalan District then contribution charges are applicable in accordance with Development Services Plan 12. A Grey water reticulation system must be one of the requirements implemented within the Gwandalan development.

	ECONOMIC contd		
	Statement	Comment	
Infrastructure and Services	Staging of infrastructure	Subdivision to be represented as one complete stage.	
	Amount of infrastructurePrimary School	 More information required on the actual dwelling amount. The concept plan has expressed 312 lots but how many actual dwellings will occur within this development footprint? The existing Primary School is over capacity, there are no adequate provisions for this project or for the 700 proposed for the Coal and Allied project. 	

ENVIRONMENTAL		
Comment		
 Preliminary survey found no significant sites or relics within the development area. Within the Exhibition material, Appendix S – Aboriginal Heritage Assessment (Gwandalan) contains no information regarding this matter. 		
Development is within a Mine subsidence district so approval of the Mine Subsidence board must be obtained for any new development.		
 Appendix G – (A bushfire hazard assessment completed in accordance with the Planning for Bushfire Protection Guidelines). It fails to provide any bushfire hazard assessment or management methodology. The concept layout fails to consider basic principles required by the Rural Fire Service including analysis of topography and vegetation in accordance with Planning for Bushfire Protection. The concept plan also fails to consider the importance of maintaining bushland corridors and urban habitat to assist when fire has affected the primary habitat. The required landscape plan and Water Sensitive Urban Design stormwater management plans will need to be specifically integrated with the final bushfire management measures. Provision should be made for an upgrading of RFS facilities including reconsideration of Standards of Fire Cover classification, and provision of an additional urban pumper. Alternatively, provision of a NSW Fire Brigades station could be considered. Information presented with regard to Asset Protection Zones is inadequate and no reasonable analysis has been represented. The resulting recommended APZ are incorrect due to the erroneous conclusions drawn from the effective slope analysis. The effective slope of the land (Section 5.3) as measured out to a distance of 140m is poorly dealt with and the conclusions are incorrect. This results in incorrect APZ determination. On the western boundary (Kanangra Dr) an APZ of 40m in total is required, rather than the 30m advised by the report. An APZ of 40m in total is required along the northern boundary. This APZ should include the road reserve, retention of mature trees for scenic amenity, Water Sensitive Urban Design measures to manage 		
100		

		ENVIRONMENTAL
	Statement	Comment
Threatened Species		 Population in the Gwandalan site (180 plant clumps) is of very high conservation significance and removal of this sub-population will have a significant impact on the species. Clearing is a recognised KEY Threatening process. Loss of plants from this sub-population, fragmentation or modification of this sub-population's habitat is likely to pose a significant risk to the long term viability of the local population.
	 Corridor Issues Orchids 	 A specialist botanist needs to be engaged to conduct seasonal surveys for <i>Tetratheca Juncea</i> to conform to the <i>T. juncea</i> Conservation Management Plan. Demonstration is extremely limited that significant (including state significant) riparian / wetlands will not be impacted by the proposed development. Recommendations in the Wildthing report advised for a corridor for Mask Owls should be implemented on site. This corridor should be designed in consultation with relevant input i.e. Council staff and Department of Environment and Conservation. Habitat assessments for a range of threatened orchid species are
	Other threatened fauna	 required. Threatened species recorded include the Koala and Eastern Pygmy possum from the surrounding area. 7 Part Tests must be addressed within the Wildthing report.
Water contd.	Flow regimesStormwater management	 Stormwater management schemes have been developed without considering or determining the downstream requirements such as hydrological regimes and natural flow regimes. There is a lack of information presented and scenarios modelled. The receiving environments have not been presented and considered when developing the stormwater/drainage management plans.
		 The report (Appendix R) does not consider the existing flow regimes and channel geomorphology, the potential impacts to the existing flow regime due to development, and what measures are to be undertaken to enhance and protect the existing flow regime and channel geomorphology.
	Hydrological model	 The hydrological model for the Gwandalan area (XP-STORM) requires more supporting information i.e. Dam 1 outflow conditions/controls, stage/storage of the Dam 1.
	Water quality	The water quality analysis presented by both reports does not meet the Water Quality Objectives as specified by Council's Stormwater Management Plan.

		LEGISLATION	
	Statement	Comment	
Planning Controls	Concept plan states that the subdivision	When assessed against DCP 66.	
	will comply with Wyong DCP Chapter 66 – Subdivision	Details of tree removal are not provided on the subdivision plan. Will the entire site be cleared or will trees remain to enable dwellings to be designed around exiting trees?	
		No evidence that the lot layout and sizes has taken into account retention of vegetation and natural features.	
		Insufficient information is provided in relation to slope, cut and fill that may be required.	
		Majority of lots are E-W orientated. Lot orientation should maximise solar access by providing a N-S orientation (30 degrees E of N and 20 degrees W of N).	
	NSW Coastal Policy (Access)	Not enough detail is provided regarding the dedication of the foreshore land at Gwandalan and what public access will be provided.	
	S94 plans	S94 plans or planning agreements to be amended towards the upgrade of Kanangra Dr and analysis of the existing pacific highway intersection performance	
		While Wyong Shire Council's Section 94 plan covers this study area it needs to be amended in conjunction with this particular development.	
		Planning framework for future DA's on the site is not clear from information provided.	
	Development Application (DA)	There is the possibility that council might not have any development approval role to play with this site if the applicant is successful in achieving rezoning, concept plan and project approval through the State Significant Site process.	

ATTACHMENT TO COUNCIL'S SUBMISSION TO DIRECTOR-GENERAL (7 DECEMBER 2006)

Issue	Why	What is Needed
1. Stormwater impacts and Integrated Water Cycle Management (IWCM)	Potential for urban areas to reduce water quality (potential impacts on beaches, Lake Macquarie and sensitive coastal ecosystems) Potential to increase coastal erosion. Need to treat water as a scarce resource. Sensitive coastal ecosystems occur at Catherine Hill Bay which could readily be impacted by increased nutrient impacts or hydrological impacts associated with urban land uses.	* Development of a best practice IWCM strategy to manage water quality, water quantity, maximise water re-use opportunities (eg rainwater tanks, porous surfaces to recharge gardens etc). * IWCM strategy should seek to ensure that pre-development conditions are maintained. Baseline data needs to be collected straight away to establish existing conditions. * IWCM design objectives needed to manage low nutrient heathland/wetlands downstream of Catherine Hill Bay site which will mean a very high level of water quality treatment. * Appropriate monitoring strategies need to be put in place to monitor the effects and performance of the IWCM strategy. An appropriate funding arrangement also needs to be secured.
2. Infrastructure	There will be significant impacts by both developments which will increase demands on roads, water, sewer, telecommunication and community support services etc. Unclear on what mechanisms which will be used to fund new infrastructure to service expanded populations in these areas.	 Preparation of a detailed servicing strategy which documents who will be providing infrastructure and how it will be funded (Section 94 or planning agreements etc). Is a regional levy going to be applied to these developments? Identify what sort of items are going to be funded. Social support services need to be expanded to service the needs of
		isolated to service the needs of isolated populations (eg increased demands on local schools, public transport and community facilities. See item 10 - Community Services for further information.

* Comprehensive flora and fauna studies need to be completed (including threatened species and corridor assessments). * Development of detailed on-site and off-site strategies for managing threatening processes associated with urban uses/water quality changes/disruption to corridors. * Vegetation management programs should be complemented with monitoring actions and funding. * Provide description of conservation offsets package. * Provide details on how threatened species legislative issues are to be dealt with at the DA stage. Is the draft LEP going to biocertified or are
obsciated with urban off-site strategies for managing threatening processes associated with urban uses/water quality changes/disruption to corridors. * Vegetation management programs should be complemented with monitoring actions and funding. * Provide description of conservation offsets package. * Provide details on how threatened species legislative issues are to be dealt with at the DA stage. Is the
* Provide description of conservation offsets package. * Provide description of conservation offsets package. * Provide details on how threatened species legislative issues are to be dealt with at the DA stage. Is the
and compromises an e corridor which links croft Nature Reserve atural areas to the parian area which was e original rezoning open removed. of the Gwandalan site this corridor will be perties to the west of ex, these other private puld be considered as posess. * Catherine Hill Bay site occurs upstream of habitats which are adapted to low nutrient conditions, water quality management strategies need to be specifically designed to protect sensitive downstream habitats. * Both Catherine Hill Bay and Gwandalan proposals should have development footprints which minimise impacts on native
* Cather upstream this corridor will be perties to the west of exthese other private buld be considered as pocess. * Cather upstream adapte water of strateg designed downstream adapte water of strategy and strategy and strategy adapted and strategy and strategy adapted adapted water of strategy and st

Issue	Why	What is Needed
4. Bushfire protection	* Both sites contain large amounts of vegetation classified as bushfire prone land and development should be properly designed to meet the requirements of the Rural Fire Service.	Asset protection zones and development will need to address rural Fire Service requirements. All APZs shall be incorporated in the development footprint.
	GGIVIGG.	* Need to identify emergency evacuation routes and assess level of bushfire risk in isolated urban areas proposed at Catherine Hill Bay to the north of Montefiore Street.
		* Need to identify emergency evacuation routes and assess level of bushfire risk within isolated urban areas.
		Catherine Hill Bay site should be serviced by its own Fire Station.
5. Mine Subsidence / Mining	Ensure that new development adopts appropriate mine subsidence parameters.	* Long term funding for restoration of despoiled land outside of development footprint of
	All mine tunnels sealed and made safe	development at Catherine Hill Bay shall be examined.
	Mine closures have historically left major problems such as:	Consult with Mine Subsidence Board on mine subsidence parameters for new developments.
	Aesthetic Impactscontamination	

Issue	Why	What is Needed
6. Urban form and urban planning	* The current Catherine Hill Bay settlement has a distinct coastal character and atmosphere. The current application, from an urban design perspective, needs to contribute positively to the functioning of the village of Catherine Hill Bay. The current proposal was a small retail development that is totally contained within their site. There is no demonstration as to how the development relates to the existing Catherine Hill Bay settlement and how the distinct character of the area will be retained. This is important when it is considered that the current settlement is comprised of small cottages with a variety of smaller scale buildings of lightweight construction follow the topography of the area. * The Gwandalan Site has been identified as a medium term priority under Council's Residential Development Strategy. Current development layout has many undesirable features, allotments with direct frontage to main road, illegible street layout, poorly designed from solar access perspective and does not consider environmental constraints eg corridor areas and retaining natural drainage lines. The proposed subdivision layout seems to be based more on maximising development yields rather than achieving a good planning outcome to achieve the 12 dwellings/Ha target without first considering site constraints.	 * Proposed subdivision layouts need to reflect environmental constraints and address design problems which have been outlined. * Prepare detailed urban design guidelines to support development concepts for both proposals. These shall be sympathetic to their particular locations. Details shall also be required on dwelling type mix and lot size. * More detail is required in regards to how the current concept plans integrate within existing coastal village location and at Catherine Hill Bay and low key residential area at Gwandalan. * Details required on planning controls and development controls to be applied to the site. * Council's role in the development application process needs to be clarified for different stages of the proposal and individual dwellings.

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Issue	Why	What is Needed
7. Open Space	* Foreshore links needs to be continued along Lake Macquarie Foreshore for the Gwandalan site.	Identify demands for local and regional open space generated by new development.
	* Increased population will required a range of recreational opportunities.	* Ensure parks and recreational resources are available for the whole community.
	* Local parks, foreshores and beach access should be provided for the public, not just new residents.	Ensure that the Gwandalan "missing foreshore link" is zoned public open space and dedicated to Council.
8. Roads &	* Impact of proposed and potential	Issues specific to Catherine Hill Bay
Transport (Catherine Hill	developments on road safety and intersections	* Detailed Traffic report accounting for road safety and intersection design,
Bay)	* Public Road issues	including sight distance requirements
	* Sight distance Requirements	are required.
	* Intersection design	In addition, requirements are:
	* Pedestrian pathway and cycleway	* A public road to Moonee Beach
	* Standard and upkeep of roads	* A public carpark at end of public road to Moonee Beach
	* Emergency and appropriate access for all service vehicles.	* A pedestrian pathway from Moonee Beach public carpark to the beach
		The cycleway to be extended to the Moonee Beach public carpark
		* The public transport route through the development to be a public road
		* Montefiore Street to be upgraded to Wyong and Lake Macquarie requirements and is to be a public road.
		* A public transport report is required and needs to be approved by the Ministry of transport and Wyong and Lake Macquarie Councils. It needs to identify how the residents will be encouraged to use public transport.

Issue	Why	What is Needed
9. Roads & Transport (Gwandalan)	Impact of proposed and potential developments on road safety and intersections	Issues specific to Gwandalan area Traffic report identifying:
	 * Public Road issues * Sight distance Requirements * Intersection design * Pedestrian pathway and cycleway * Standard and upkeep of roads * Emergency and appropriate access for all service vehicles. 	* Impact from the additional traffic on the local roads, including intersections, and the improvements required. This is to include all the intersections along Kanangra Drive. * Treatments required at the two intersections of the proposed development with Kanangra Drive. * No direct access to properties off Kanangra Drive.
		 Pedestrian/cycleway along Kanangra Drive and the foreshore of Lake Macquarie for the full extent of the development.
10.Contamination issues	Land contamination issues should be investigated on both sites. Major potential land contamination issues would seem to exist at Catherine Hill as residential areas are proposed to be developed over extensive coal ash/coal chitter beds. Coal chitter/coal ash with a high carbon content is combustible under some conditions. Risks to public health and safety.	* Complete land contamination and geo-technical investigations. Ensure that land is decontaminated and does not pose any risk to public health and safety.

Issue	Why	What is Needed
11. Social Impact	* Potential significant social impacts given scale of development, expected increase in population, increased demands on community facilities and services and high level	Complete detailed social impact assessment which will examine: * Community concerns and values.
	of community interest. * Cumulative impacts of the Rosecorp and Gwandalan proposals with the Coal and Allied development proposals, which also propose small isolated urban areas as part of a broader package of conservation offsets. * Large scale new developments need to be sympathetic to small and	Profile the incoming population. Examine possible impacts on demographic / population change, existing community services and facilities, residential amenity, quality of life, community health and safety, integration with existing residential development, local economic development. Commitment to social infrastructure
	closely knit communities in which they are located. The Department of Planning needs to clarify future planning direction and locality context for these areas which adjoin these major new developments.	provision and staging.
12. Retail provision	Examine adequacy of existing and proposed retail uses for increased population. Timing of retail uses in Catherine Hill Bay needs to be approached with care so that no effect occurs on existing retail and business uses.	* Retail assessment required, examine impact on local retail hierarchy and roll out of new retail developments minimises impacts on local businesses.
13. Visual Impacts	* Both proposals have the potential for significant visual impacts. * The Catherine Hill Bay site contains a number of developments which would be located on top of a coastal headland.	 Detailed visual analysis is required. Landscape guidelines to be incorporated into future development applications. Council is to be consulted about the development of planning controls and urban design guidelines on the site. Coastal Design Guidelines for NSW shall be applied to development at Catherine Hill Bay.

Issue	Why	What is Needed
14. Aboriginal and European heritage issues	 * There are areas of archaeological interest potentially impacted by the proposal. * Old mine buildings and infrastructure would appear to have heritage significance at Catherine Hill Bay and contain cultural heritage values because of the long standing role that mining has played on the site since the 1870s. * Long term use and future of the jetty needs to be clarified. 	Complete Aboriginal and European heritage studies. Protect heritage buildings and incorporate items of cultural heritage value into future development plans at Catherine Hill Bay. A commitment to genuinely address Aboriginal archaeological concerns
15. Impacts on Munmorah State Recreation Area from increased visitor usage.	* Public usage of the northern portion of the Munmorah SRA will be significantly increased. This will cause a significant need to upgrade walking tracks and restrict access to sensitive areas of bushland	* Appropriate arrangements need to be made with DEC and other government agencies to upgrade walking trails and manage impacts associated with increased visitor usage.
16. Coastal	Specific to Catherine Hill Bay Site	
	Personal safety in beach areas in regards to recreation activities and beach access. Sand dune and rehabilitation issues. Coastal erosion due to the effects of urban runoff. Coastal hazards from new development.	 * Beach patrols required due to potential injury and unsafe beach conditions from increased usage of Mooney Beach from incoming population. * Public roads and car parking required to enable broad public access of Mooney Beach. Renewal and continued upkeep of beach tracks to an appropriate standard catering for the general public including the elderly and the disabled. Appropriate fencing to protect natural features including sand dunes and vegetation plus safety for the general public.

PREVIOUS GWANDALAN REZONING APPLICATION CONCEPT PLAN

