

3.1 DA/260/2012 Proposed New Dwelling, Swimming Pool and Demolition of Existing Structures at The Entrance North (contd)

ATTACHMENTS

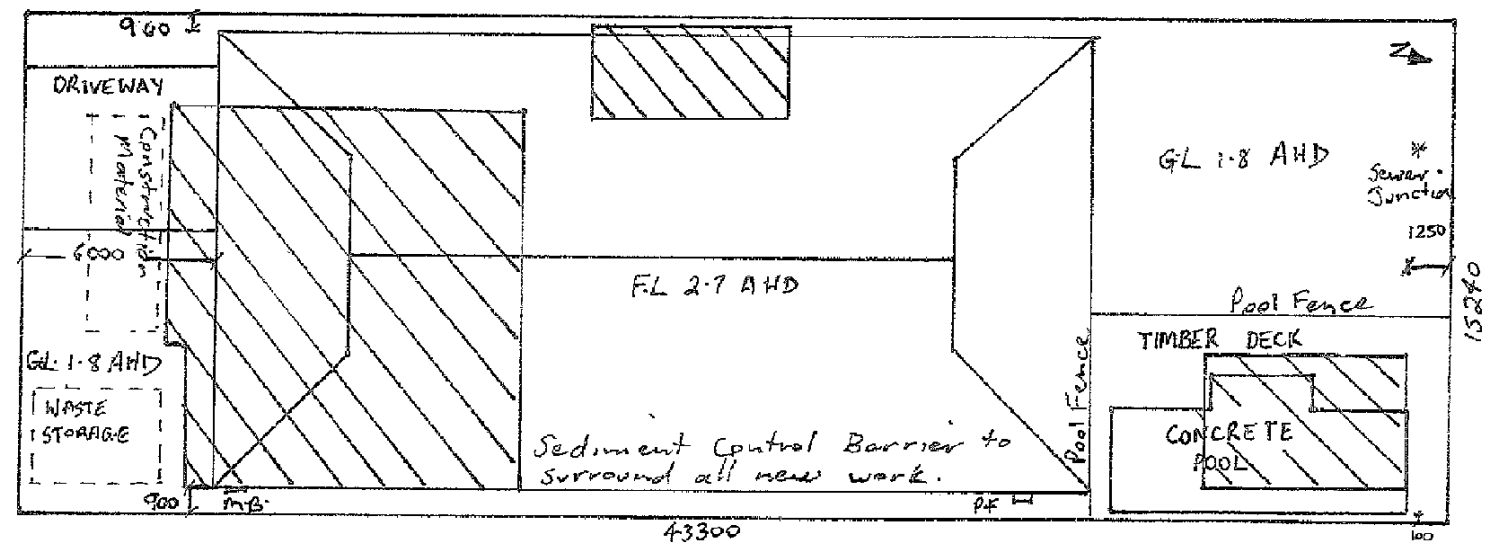
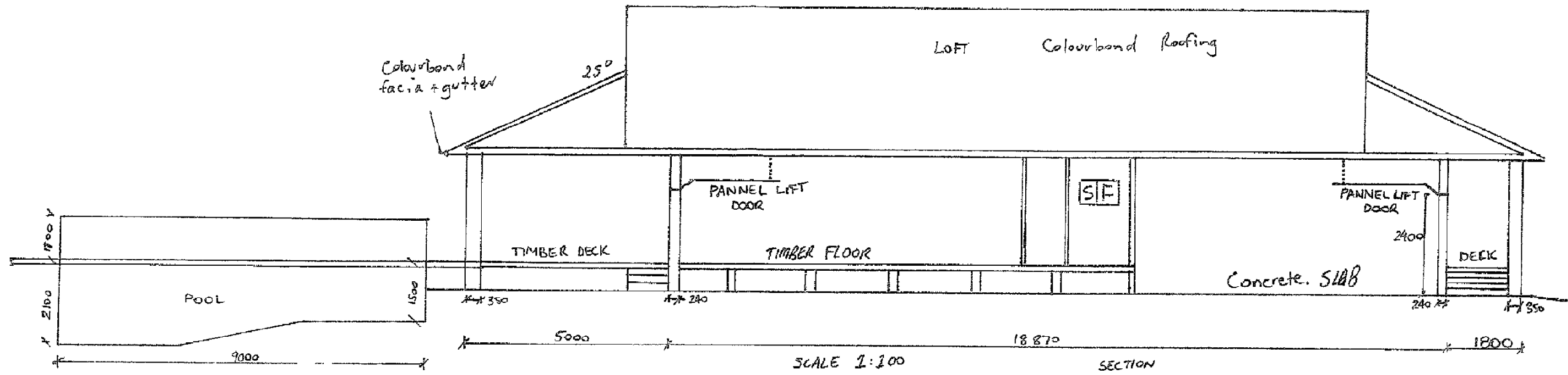
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|---|---------------------------|-----------|
| 1 | Draft Reasons for Refusal | D03032777 |
| 2 | Development Plans | D03033849 |

Date: 7 June 2012
Responsible Officer: Doug Tytherleigh
Location: 14 Bondi Road, THE ENTRANCE NORTH NSW 2261
Lot 195 DP 18958
Owner: Mr S J Keegan and Mrs D E Keegan
Applicant: Keegan Builders Central Coast Pty Ltd
Date Of Application: 2 April 2012
Application No: DA/260/2012
Proposed Development: Dwelling, inground pool & demolition of existing structures
Land Area: 657.60

DRAFT REASONS FOR REFUSAL

- 1 Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Clause 2 of State Environmental Planning Policy 71 (Coastal Protection) in the following manner:
 - a The proposed development fails to satisfy Aim 2(1)(j) in that it does not accord with the precautionary principle by proposing to site a dwelling in a high hazard flood area.
 - b The proposed development fails to satisfy Aim 2(1)(j) in that it does not promote inter-generational equity by proposing to site a dwelling in a high hazard flood area that may result in damage to the dwelling and injury or loss of life to future occupants.
- 2 Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Clause 8 "Matters for consideration" of State Environmental Planning Policy 71 (Coastal Protection) in the following manner:
 - a The proposed development fails to satisfy Matters for consideration 8 (a) because it does not satisfy Aims 2(1)(j), 2(1)(k) and 2(1)(l) as explained 1 above.
- 3 Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Wyong Local Environmental Plan 1991 Clause 2(g)(ii) because the proposed development seeks to locate a dwelling house in a flood prone area without achieving the flood planning level minimum floor height.
- 4 Pursuant to Section 79C (1)(b) of the Environmental Planning and Assessment Act, 1979 the development is at risk of flooding; would have a negative social and economic impact; does not respond to the specific site attributes and would contribute to the cumulative adverse impact on the environment by way of its unsuitable design for flood prone land.
- 5 Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 the proposal is not considered to be in the public interest given it does not adequately consider the impacts of flooding including the potential damage to the structure and the potential danger to future occupants and rescuers, and the development would set an undesirable precedent for the future.

- 6 Having regard to the above reasons of refusal, the proposal is contrary to the objectives of the Environmental Planning and Assessment Act 1979, as specified in Section 5(a) therein which requires the orderly and proper development of land and the siting of a dwelling in a high hazard flood area does not satisfy this objective.



Floor level 2.7 AHD
Garage floor level 2.0 AHD

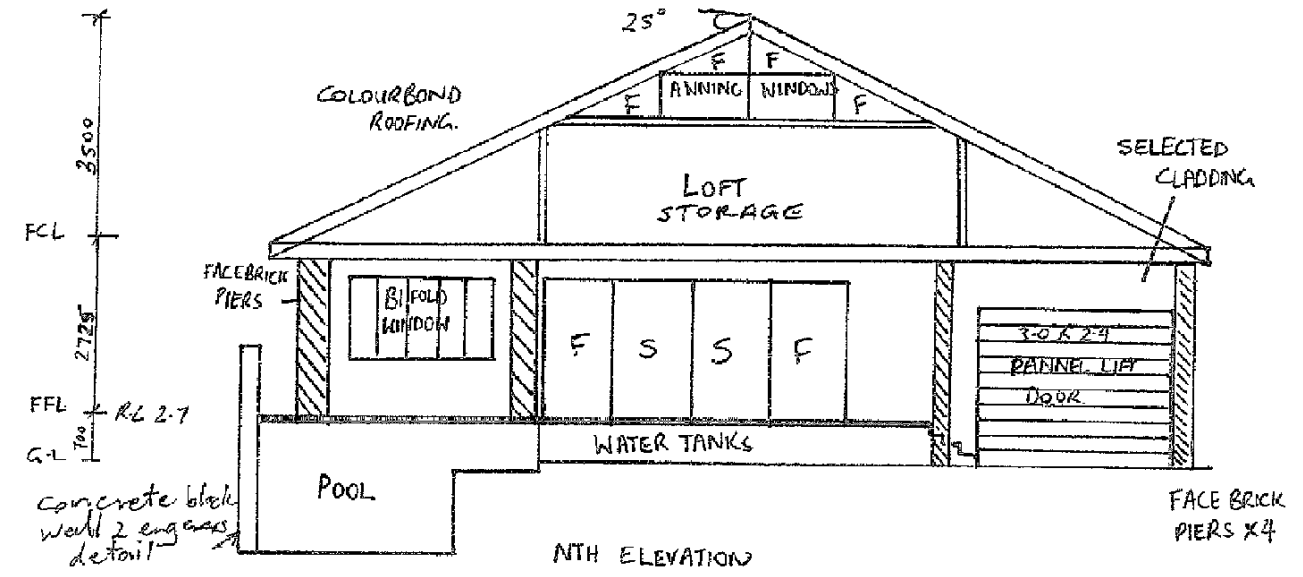
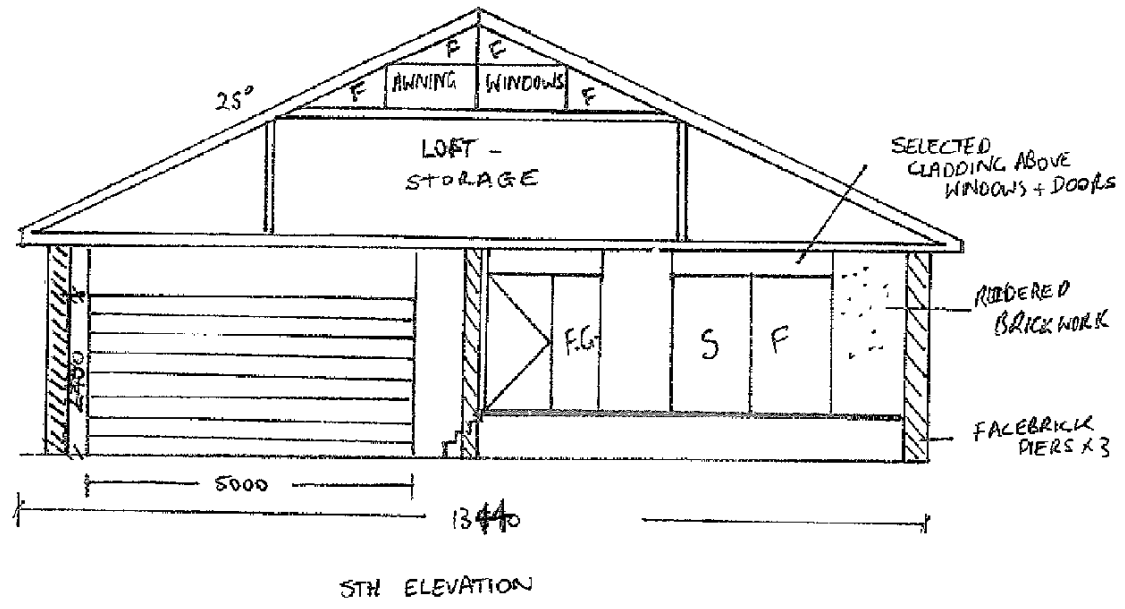
SITE AREA	660 m ²
ROOF AREA	420 m ²
UNCONDITIONED FLOOR AREA	146 m ²
CONDITIONED FLOOR AREA	7 m ²
GARAGE AREA	98.5 m ²
DECK AREA	62.6 m ²
CARPORT AREA	20 m ²

SCALE 1:200

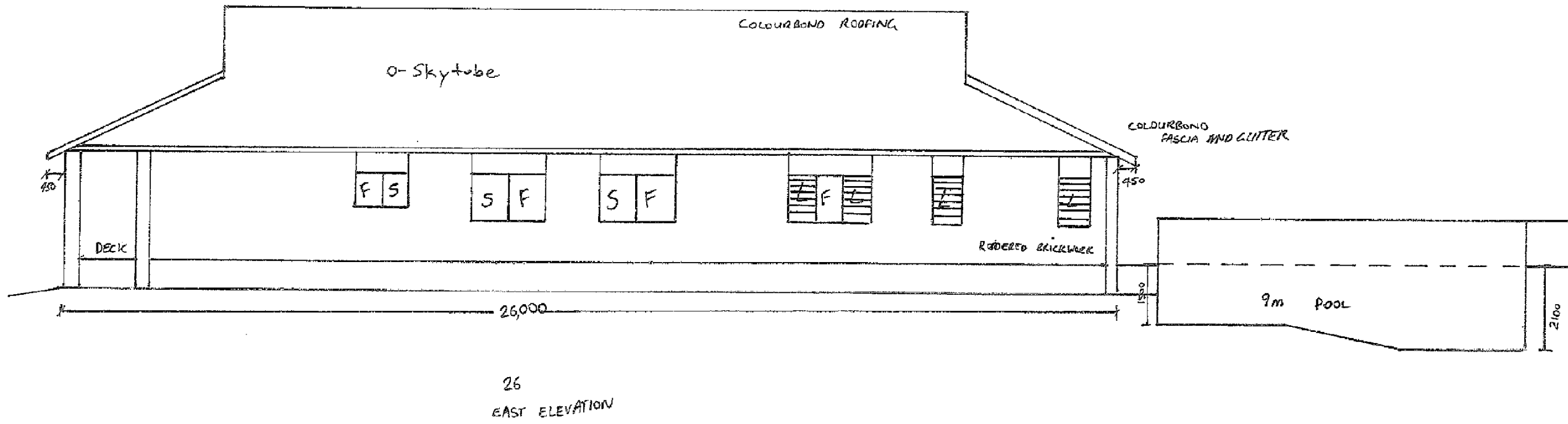
SITE PLAN

- EXISTING TO BE REMOVED

MR + MRS S. KEEGAN	
PROPOSED DWELLING + POOL	
14 BONDI ROAD THE ENTRANCE NORTH	1/6
LOT 195	
SITE PLAN & ELEVATION / SECTION	



Scale 1:100



SCALE 1:100

3/6

3.2 DA 401/2012 - Proposed Dwelling at Chittaway Bay

TRIM REFERENCE: DA/401/2012 - D03146777

MANAGER: Gina Vereker, Director

AUTHOR: Jamie Loader; Manager Building Certification and Health

An application has been received for the erection of a single storey dwelling at 56 Aston Wilde Avenue, Chittaway Bay. The application has been examined having regard to the statutory matters for consideration detailed in section 79C of the Environmental Planning and Assessment (EP&A) Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is reported to Council in accordance with Council's resolution of 10th October 2012 which stated in part:

- "3 That Council resolve that its sea level rise interim policy consist of compliance with the 1% AEP flood level and 500mm freeboard allowance.
- 7 In circumstances where existing Government legislation or policy conflicts with Council's policy in No 3 above, the General Manager ensure that the matter is brought to Council for determination."

Applicant	GJ Gardner Homes
Owner	Mr & Mrs Rowsan
Application No	DA/401/2012
Description of Land	Lot 8 DP 1103066 No 56 Aston Wilde Ave, Chittaway Bay
Proposed Development	Proposed Dwelling
Site Area	476m ²
Zoning	2A Residential
Existing Use	Vacant
Estimated Value	\$258,120

RECOMMENDATION

- 1 That Council note that the Development Application does not comply with its adopted Interim Sea Level Rise Policy.
- 2 That Council defer consideration of the application and request the applicant to redesign the proposal to incorporate a minimum floor level of 3.1 metres AHD for the habitable areas of the proposed dwelling-house.

PRECIS

- The application seeks approval for the erection of a single storey dwelling-house.

3.2 DA 401/2012 - Proposed Dwelling at Chittaway Bay (contd)

- The site is zoned 2(A) Residential under the provisions of Wyong Local Environmental Plan 1991 (WLEP). A single dwelling-house is permissible with consent.
- In accordance with Council's resolution of 10 October 2012 which states '***That Council resolve that its sea level rise interim policy consist of compliance with the 1% AEP flood level and 500mm freeboard allowance***', the application is not in accordance with Council's policy.
- The 1% Annual Probability (AEP) flood level at the subject property is 2.48m AHD for Ourimbah Creek. Based solely on this, the required Finished Floor Level (FFL) for habitable rooms would be 2.98m with the application of a 500mm free board. The proposed development does not meet this requirement.
- The 1% AEP flood level at the subject property for Tuggerah Lake is 2.2m AHD.
- Application of the State Government Chief Scientist's recommended flood planning benchmarks for Tuggerah Lakes for the year 2100 raises the 1% AEP to 3.1m AHD and the addition of a 500mm free board results in a finished floor level (FFL) for habitable rooms set at 3.6m AHD. The proposed development does not meet this requirement.
- The State Government Chief Scientist's recommended flood planning benchmarks for Tuggerah Lakes for the year 2050 raises the 1% AEP to 2.6m AHD and the addition of a 500mm free board results in a finished floor level (FFL) of 3.1m AHD.
- A FFL of 3.6 metres AHD would result in the habitable rooms being approximately 1.4m above natural ground level (RL 2.2m).
- A FFL of 3.1 metres AHD would result in the habitable rooms being approximately 0.9m above natural ground level (RL 2.2m).
- The proposed floor level of the ground floor habitable rooms is 2.75 metres AHD which does not comply with the 2.98 metre AHD Flood Planning Level (FPL) for the site.
- The applicant has been given the opportunity to amend the proposal to comply with the above legislative requirements, but has declined to amend the application and has requested the application be determined in its current form.

OPTIONS

There are a number of options available to Council in respect of the application as follows:

Option	Implications
Council defer decision for redesign incorporating habitable floor level of 3.1 metres AHD	<ul style="list-style-type: none"> • Allows staff to undertake an amended assessment. • Will set a positive precedence for future similar applications. • Will eliminate predicted flooding problems to the year 2050. • This is considered to be the most appropriate course of action.

3.2 DA 401/2012 - Proposed Dwelling at Chittaway Bay (contd)

Option	Implications
Council defer decision for redesign incorporating habitable floor level of 3.6 metres AHD based on the 2100 flood planning level for Tuggerah Lake.	<ul style="list-style-type: none"> • Allows staff to undertake an amended assessment. • Will set a positive precedence for future similar applications. • Will eliminate predicted flooding problems to the year 2100.
Council defer decision for redesign incorporating habitable floor level of 2.98 metres AHD	<ul style="list-style-type: none"> • Allows staff to undertake an amended assessment. • Will enable the development to comply with the Flood Policy in relation to flooding from Ourimbah Creek. • The development will not comply with the Chief Scientist's recommended flood planning benchmarks.
Approve Development Application as proposed by applicant.	<ul style="list-style-type: none"> • .The development will not comply with Councils newly adopted Sea Level Rise Policy. • The development will not comply with the State Government Chief Scientist's recommended flood planning benchmarks • Will risk Council voiding its protection from liability under S733 of the Local Government Act (LGA).
Refuse Development Application	<ul style="list-style-type: none"> • Applicant may appeal the decision.

INTRODUCTION

The Site

The site is located at 56 Aston Wilde Avenue, Chittaway Bay (Lot 8 DP 1103066).

The site consists of a regular shaped allotment with a total area of 476m², is generally flat with an average ground level of 2.2 AHD, and is currently vacant.

The Locality

The subject site is bound on either side by residential dwellings with a distinct building setback of between five and six metres being evident along this section of Aston Wilde Avenue.

Existing development in the general surrounding area comprises a mix of single and two storey dwelling-houses, The subject site and surrounding land at Chittaway Bay are low lying, with most of the area being flood affected.



The proposed site- 56 Aston Wilde Avenue, Chittaway Bay

The Proposed Development

The proposal consists of a single Storey dwelling-house development involving the following aspects:

- Average ground level of 2.2m AHD;
- Four (4) bedroom dwelling-house (178.1m²);
- Ground floor: two car garage (2.664m AHD), 4 bedrooms with robes and ensuite to the master bedroom, dining room, living room, activity room, kitchen, laundry, and WC (2.7 50 AHD);
- Mixture of exposed brickwork, and James Hardie 'Newport' External Cladding with Colorbond roofing; and
- Driveway to be positioned near the eastern boundary clear of the current street tree.

The major issue for consideration relates to flooding and the application of the State Government Chief Scientists recommended flood planning benchmarks. The year 2100 benchmark requires up to 0.35m to be added to the existing FPL which requires the finished floor level (FFL) of habitable rooms within the dwelling to be set a minimum of 3.6m AHD (including the 500mm freeboard), being 850mm higher than the development proposed by the applicant.

3.2 DA 401/2012 - Proposed Dwelling at Chittaway Bay (contd)

The year 2050 benchmark requires the finished floor level (FFL) of habitable rooms within the dwelling to be set a minimum of 3.1m AHD (including the 500mm free board), being 350mm higher than the development proposed by the applicant.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

The Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies:

- NSW Flood Plain Development Manual
- Office Environment and Health (DECCW) Floodplain Management Guidelines
- State Environmental Planning Policy 71 (Coastal Protection)
- Wyong Local Environmental Plan 1991
- Development Control Plan 2005, Chapter 100 (Quality Housing)
- Development Control Plan 2005, Chapter 67 (Engineering Requirements)
- Development Control Plan 2005, Chapter 69 (Waste Management)
- Flood Prone Land Development Policy F5
- Council's Interim Sea Level Rise Policy.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal is considered to be inconsistent with the following ESD Principles:

- The precautionary principle – the proposal does not account for inundation as a consequence of predicted flood levels.
- Inter-generational equity – the proposal does not have regard for maintaining the quality of the environment for future generations. The proposal would be highly vulnerable to risk of flooding which would potentially result in damage to the built environment.

Taking the above into consideration the proposal is considered to be **inconsistent** with the Ecologically Sustainable Development (ESD) principles.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the EP&AA Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv):

NSW Flood Plain Development Manual

The subject site is located within an existing high hazard flood area and the NSW Flood Plain Development Manual ('The Manual') requires that a safe (i.e. low hazard flooding) escape route be available for the residents.

3.2 DA 401/2012 - Proposed Dwelling at Chittaway Bay (contd)

Given the location of the site and surrounding topography, there is no opportunity to provide an escape route during a flood event. It is considered that a habitable floor level, in this case, the ground floor level with an RL of 3.60m AHD would provide a safe escape and sufficient opportunity for residents to remain in the dwelling during a flood event or alternatively to enable rescue. However, this safe harbourage may potentially be for longer periods than currently experienced and residents would be without power or sewerage servicing during this time.

The Manual further provides that a 0.5m freeboard is adopted for general residential development to provide a factor of safety ensuring that the risk exposure selected is accommodated. This freeboard includes a component related to climate change impacts on flood levels in both coastal and non-coastal areas and for a wide variation in sensitivity of estimated design flood levels as well as other unquantified factors such as wind-wave impacts. The freeboard provides only a relatively small allowance to accommodate some of the projected increases in rainfall intensity of flood-producing storm events associated with climate change, which has currently not been accurately quantified or included with the sea level rise projections. The manual's small allowance for climate change in the 0.5metres freeboard figure should be considered to only address some of the uncertainty associated with estimating climate change impacts and as such should not be used to allow for sea level rise impacts, which should be quantified and applied separately. The State Government Floodplain Management Guideline (2010) clarifies that sea level allowance must be included on top of freeboard.

Taking the above into consideration, the proposal is inconsistent with the requirements of the NSW Flood Plain Development Manual.

State Environmental Planning Policy 71 (Coastal Protection)

The provisions of State Environmental Planning Policy (SEPP) No 71 - Coastal Protection requires Council consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the Department of Planning and Infrastructure (DoPI) NSW with the subject property falling within this zone. The aims of the policy are:

- (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*
- (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*
- (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*
- (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*
- (e) to ensure that the visual amenity of the coast is protected, and*
- (f) to protect and preserve beach environments and beach amenity, and*
- (g) to protect and preserve native coastal vegetation, and*
- (h) to protect and preserve the marine environment of New South Wales, and*
- (i) to protect and preserve rock platforms, and*
- (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*

3.2 DA 401/2012 - Proposed Dwelling at Chittaway Bay (contd)

- (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*
- (l) to encourage a strategic approach to coastal management.*

The development is not considered to be consistent with objective (j) due to the proposal not being ecologically sustainable and (l) due to insufficient consideration with regards to coastal management. Furthermore, the matters listed under Clause 8 have been considered with the proposal being generally compliant, with the exception of Clause 8 (a) due to its inconsistency with the abovementioned objectives and (j) due to the likely impact of the development on the coastal processes.

Taking the above into consideration, the proposal is **inconsistent** with the requirements of State Environmental Planning Policy 71 (Coastal Protection).

Flood Prone Land Development Policy F5

As discussed earlier in the report, the FPL for the site under Council's Flood Prone Land Development Policy is set at 2.98 metres AHD (1%AEP 2.48m AHD plus 500mm free board). The development proposes ground floor habitable floor levels of 2.75 metres AHD and therefore does not meet this requirement.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):

The relationship to the regional and local context and setting

The proposed development is considered acceptable in its appearance and in relation to the scale and massing of existing built structures in the immediate area. The development is domestic in scale and the proposed external materials and finishes are acceptable.

The access, transport and traffic management measures

A new vehicle access crossing will be utilised.

The impact on utilities supply.

No issues to report under existing conditions.

Any effect on the conservation of soils or acid sulphate soils.

The site is identified as having Class 2 soils according to the Acid Sulphate Soils Planning Map. In accordance with WLEP Clause 15, a preliminary site investigation is justified where works are proposed which are likely to lower the water table. This is not applicable to the proposed development.

Any effect on the flora and fauna.

There will be no trees or fauna removed from the site as part of this application.

Whether the development will be energy efficient.

A BASIX certificate has been submitted as part of this application.

3.2 DA 401/2012 - Proposed Dwelling at Chittaway Bay (contd)

Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).

Flooding

The NSW Coastal Planning Guideline - Adapting to Sea Level Rise (DOP 2009) provides detail about the consideration of flooding and sea level rise information in land use planning and development assessment. It is noted that this document remains current.

The subject Development Application is contrary to the principles within the NSW Coastal Planning Guideline including:

- Avoid intensification of land use in coastal risk areas;
- Minimising exposure to coastal risks for proposed development in coastal areas;
- Implementing appropriate management responses and adaptation strategies, with consideration for environmental, social and economic impacts.

The subject site is recognised as being flood affected by both Ourimbah Creek and Tuggerah Lake. The current designated Ourimbah Creek flood level (1% AEP) for the site is 2.48 metres AHD, with a FPL of 2.98 metres AHD being the inclusion of a 500mm freeboard requirement.

The current designated Tuggerah Lake 1% AEP for the site is 2.2m AHD, with a FPL of 2.7 metres AHD being the inclusion of a 500mm freeboard requirement.

Incorporating the State Government Chief Scientist's recommended flood planning benchmark for the year 2100 of 0.9m for the proposed development, the 1% AEP increases to 3.1 metres AHD with a FPL of 3.6m AHD being the inclusion of a 500mm freeboard requirement.

Incorporating the State Government Chief Scientist's recommended flood planning benchmark for the year 2050 of 0.4m for the proposed development, the 1% AEP increases to 2.6 metres AHD with a FPL 3.1m AHD being the inclusion of a 500mm freeboard requirement.

Taking the above into consideration, the proposal is inconsistent with the principles within the Draft NSW Coastal Planning Guideline titled 'Adapting to Sea Level Rise'.

In terms of legal risk, Council has received legal advice on a number of occasions in respect to climate change. In summary the advice is that should Council fail to take into account the climate change considerations contained within the NSW Flood Plain Development Manual or the Coastline Management Manual, both which consider climate change (and remain current), it will be unable to establish "good faith" in accordance with the defences provided by Section 733 of the *Local Government Act, 1993*. Council would also lose its protection under the *Civil Liability Act*.

In times of flood, the Electricity Authority may be required to shut down the network in the flood areas where sewer pump stations are located due to inundation of flood waters.

The NSW Department of Health consider all flood waters as potentially contaminated and may contain untreated sewage. They advise that all unnecessary contact with flood waters should be avoided and children should be kept away from flood waters. This is pertinent to the safe evacuation of residents particularly children in deeper flood waters.

3.2 DA 401/2012 - Proposed Dwelling at Chittaway Bay (contd)

Any social impact in the locality.

The proposed development is likely to place both people and property vulnerable to flooding events.

Any economic impact in the locality.

The proposed development is considered likely to have negative economic impacts if it were to be approved by Council, as a result of reliance on emergency services personnel to assist occupants in the event of a flood, in rectifying flood damaged property, and placing greater demands on surrounding services and infrastructure in this locality in order to sustain the development in its vulnerable location.

Any impact of site design and internal design.

The site design is not considered appropriate in terms of the finished floor levels for habitable rooms as they fail to take into account any sea level rise planning bench mark.

Any cumulative impacts.

Allowing the proposed development contrary to the State Government Chief Scientists recommended flood planning benchmarks would contravene Council's obligation to consider certain matters as specified in Section 79C of the Act, including the likely impacts of the development and the public interest.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

Whether the proposal fits in the locality.

As outlined earlier in this report, the proposed development is not considered suitable for the site given that the floor level does not adequately address sea level rise nor the Council's newly adopted interim policy. In its current form the design of the development could potentially result in adverse privacy, amenity and streetscape impacts if the floor levels were raised to incorporate the predicted 2050 flood planning benchmark.

It is considered that appropriate design mitigation methods could be employed to eliminate these concerns should a redesign of the proposed dwelling be submitted incorporating a finished floor level of 3.1m AHD.

Whether the site attributes are conducive to development.

As mentioned above, the low lying nature of the site creates the potential for frequent future flooding and is therefore not conducive to the proposed development.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):

Any submission from the public.

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with no submissions being received.

Any submission from public authorities.

N/A

THE PUBLIC INTEREST (s79C(1)(e)):

Any Federal, State and Local Government interests and community interests.

The information currently available to Council indicates that the site will likely be inundated if a designated flood event (1%AEP) occurs during the life of the proposed development. The information relied upon to make this prediction includes Council's flood studies and the State Government Chief Scientists recommended sea level rise planning benchmarks. Having assessed the proposal in accordance with Council's Flood Prone Land Development Policy, the NSW Floodplain Development Manual and the projected flood level increase of 900mm by 2100; the development is not considered suitable for the site. To permit the development on the basis of a lack of full scientific certainty with respect to sea level rise may result in lives and property being placed under threat.

CONCLUSION

The proposal has been assessed having regard to Section 79C of the EP&A Act, WLEP 1991, SEPP 71, DCP 2005 - Chapter 100 (Quality Housing), DCP 2005 - Chapter 69 (Waste Management), DCP 2005 - Chapter 67 (Engineering Requirements) and Flood Prone Land Development Policy and is considered unsatisfactory.

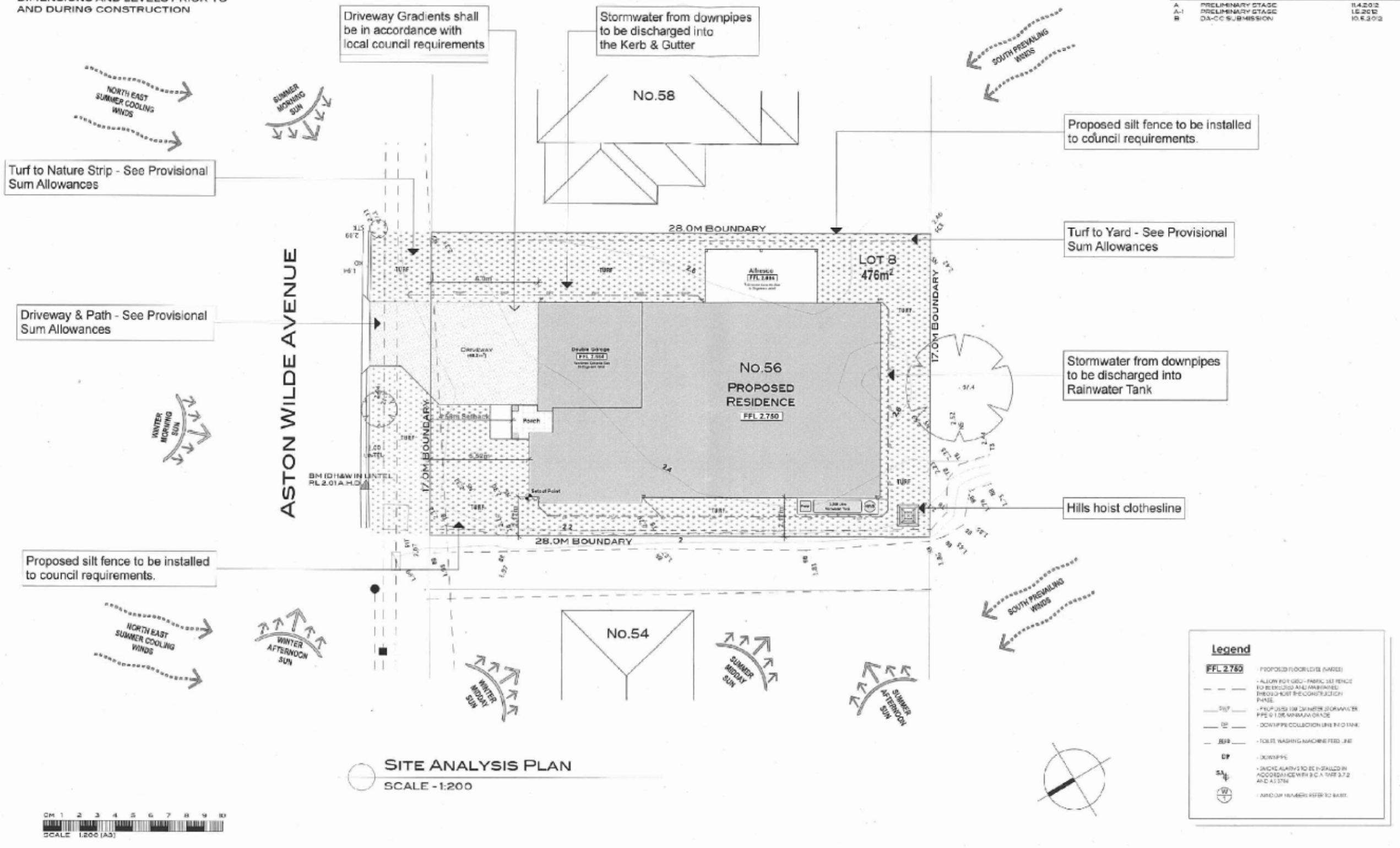
It is recommended that the application be deferred for a redesign incorporating appropriate design mitigation methods to accommodate a habitable floor level of 3.1 metres AHD.

ATTACHMENTS

1 Development Plans D03146923

REVISION		
No	DESCRIPTION	DATE
A	PRELIMINARY STAGE	04.2012
A-1	PRELIMINARY STAGE	16.2012
B	DA-CC SUBMISSION	10.4.2012

NOTE: BUILDER TO VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO AND DURING CONSTRUCTION



G.J. Gardner. HOMES
"We're Great Together"

PROPOSED SINGLE STOREY RESIDENCE

DRAWING TITLE
SITE ANALYSIS PLAN

DRAWING NUMBER
A-02

CLIENT
ROWSON
PROJECT ADDRESS
No.56 LOT 8 ASTON WILDE AVENUE,
CHITTAWAY BAY NSW 2261
DP1103066

DESIGNED BY:	G.JOH	DRAWN BY:	CG
SCALE:	1:200	ISSUE:	DA-CC
DATE:	10 MAY 2012	REVISION:	#
DRAWING NO:	A-02	PROJECT NO.:	87

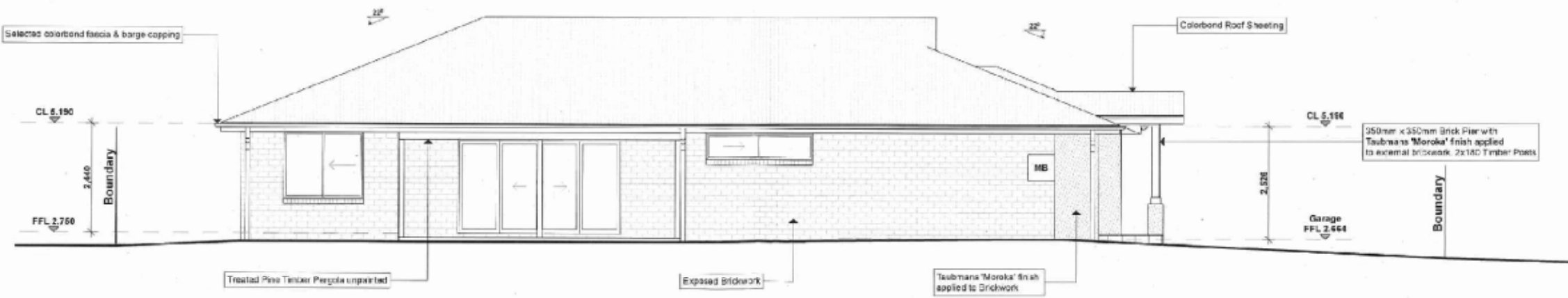
PLEASE READER CAN REFER TO THE LIST OF RECORDS OF ALL CONSTRUCTION PHASES FOR THE PROJECT OR CONTACT THE ARCHITECT FOR MORE INFORMATION. ALL DIMENSIONS ARE TO BE TAKEN FROM THE DIMENSION LINES UNLESS OTHERWISE SPECIFIED.

NOTE: BUILDER TO VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO AND DURING CONSTRUCTION

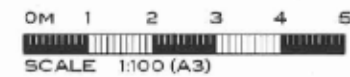
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NO	DESCRIPTION	DATE
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A-1	PRELIMINARY STAGE	16.20.12
B	DA-CC SUBMISSION	10.6.2012



NORTH ELEVATION
SCALE - 1:100



EAST ELEVATION
SCALE - 1:100



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PROPOSED
SINGLE STOREY RESIDENCE

DRAWING TITLE
ELEVATIONS

CLIENT
ROWSON

DRAWING NUMBER
A-05

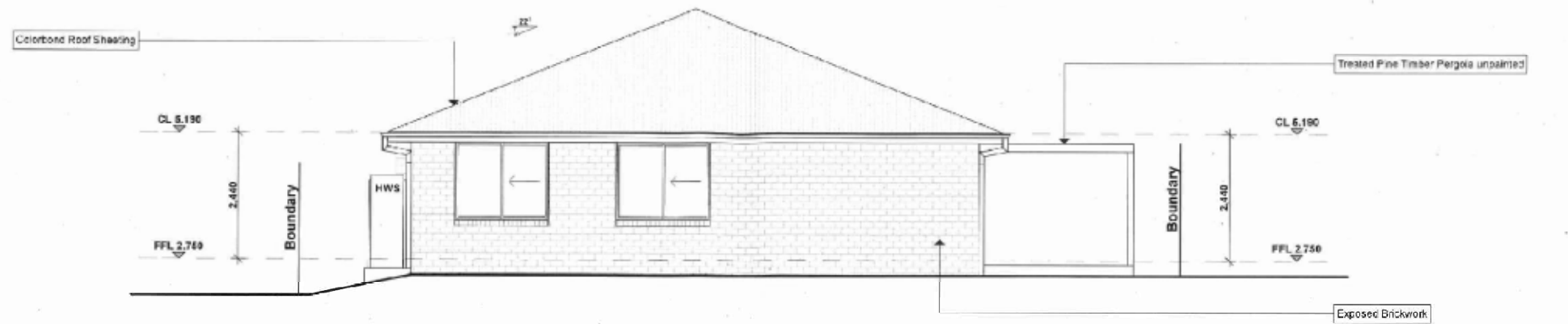
PROJECT ADDRESS
No.56 LOT 8 ASTON WILDE AVENUE,
CHITTAWAY BAY NSW 2261
DP 1103066

DESIGNED BY:	G.J.G.H.	DRAWN BY:	CS
SCALE:	1:100	ISSUE:	DA-CC
DATE:	10 MAY 2012	REVISION:	B
DRAWING No:	A-05	PROJECT No:	87

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NO	DESCRIPTION	DATE
A	PRELIMINARY STAGE	14.20.2
A-1	PRELIMINARY STAGE	15.20.2
B	DA-CC SUBMISSION	16.5.202



SOUTH ELEVATION
SCALE - 1:100



WEST ELEVATION
SCALE - 1:100



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PROPOSED
SINGLE STOREY RESIDENCE

DRAWING TITLE
ELEVATIONS

DRAWING NUMBER
A-06

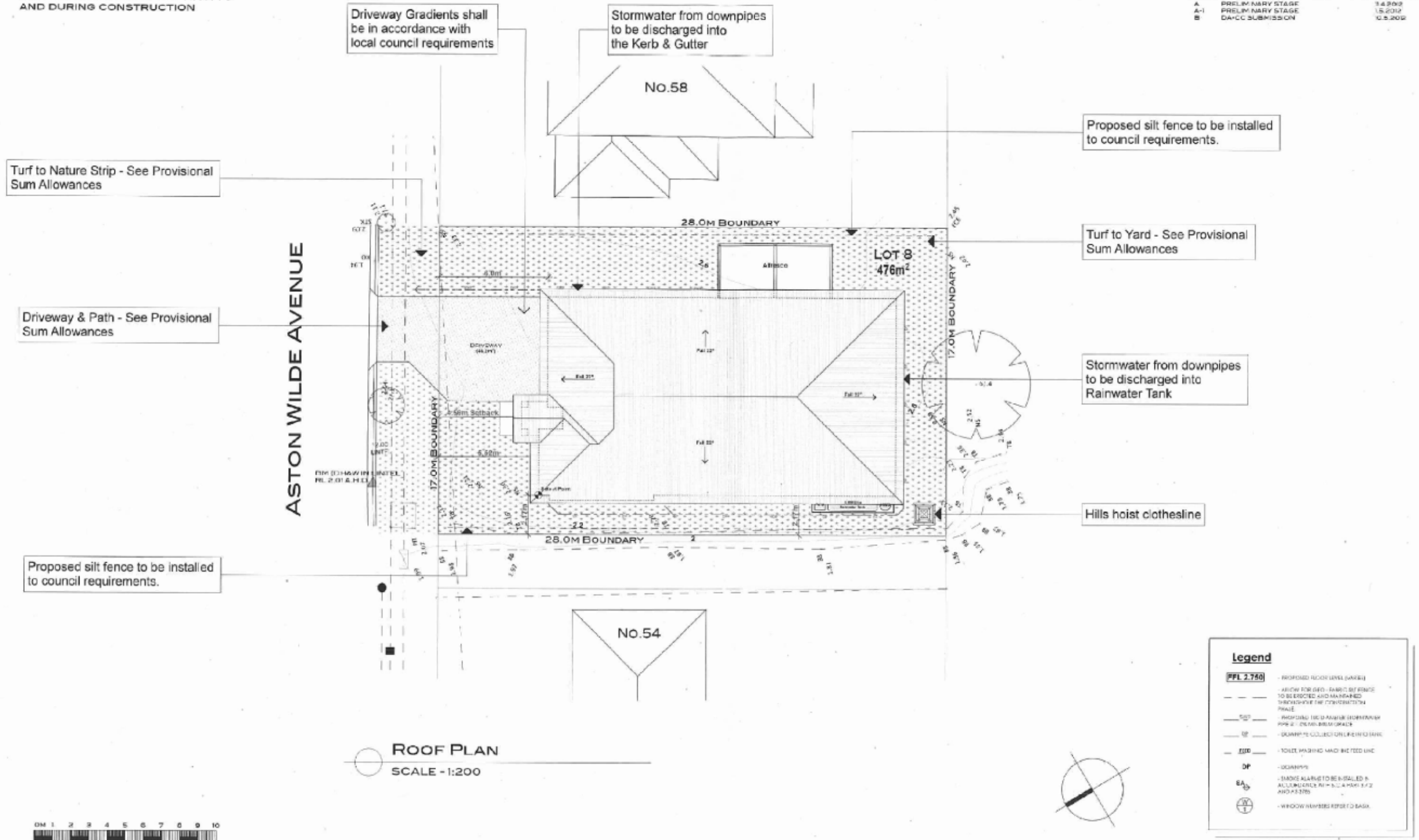
CLIENT
ROWSON
PROJECT ADDRESS
No.56 LOT B ASTON WILDE AVENUE,
CHITTAWAY BAY NSW 2261
DP1103066

DESIGNED BY:	G.J.G.H	DRAWN BY:	CS
SCALE:	1:100	ISSUE:	DA-CC
DATE:	10 MAY 2022	REVISION:	B
DRAWING No.:	A-06	PROJECT No.:	87

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NOTE: BUILDER TO VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO AND DURING CONSTRUCTION

REVISION		
NO	DESCRIPTION	DATE
A	PRELIMINARY STAGE	14.2012
A-1	PRELIMINARY STAGE	15.2012
B	DA-CC SUBMISSION	10.5.2012



Legend	
	PROPOSED FLOOR LEVEL (PFL)
	PROPOSED KERB & GUTTER TO BE ESCAVED AND MARKED THROUGHOUT THE CONSTRUCTION PHASE
	PROPOSED THE DOWNPIPE DOWNPIPE FOR 6" DIA. 150mm GRADE
	DOWNPIPE TO COLLECT ON RAINWATER TANK
	TRENCH MARKING AND IN-TRENCH LINE
	DOWNPIPE
	SMOKE ALARM TO BE INSTALLED IN ALL ROOMS AT 1.4M MAX 1.72 AND 1.375
	WINDOW NUMBER REFER TO BASIS

G.J. Gardner. HOMES
"We're Great Together"

PROPOSED SINGLE STOREY RESIDENCE

DRAWING TITLE
ROOF PLAN

DRAWING NUMBER
A-08

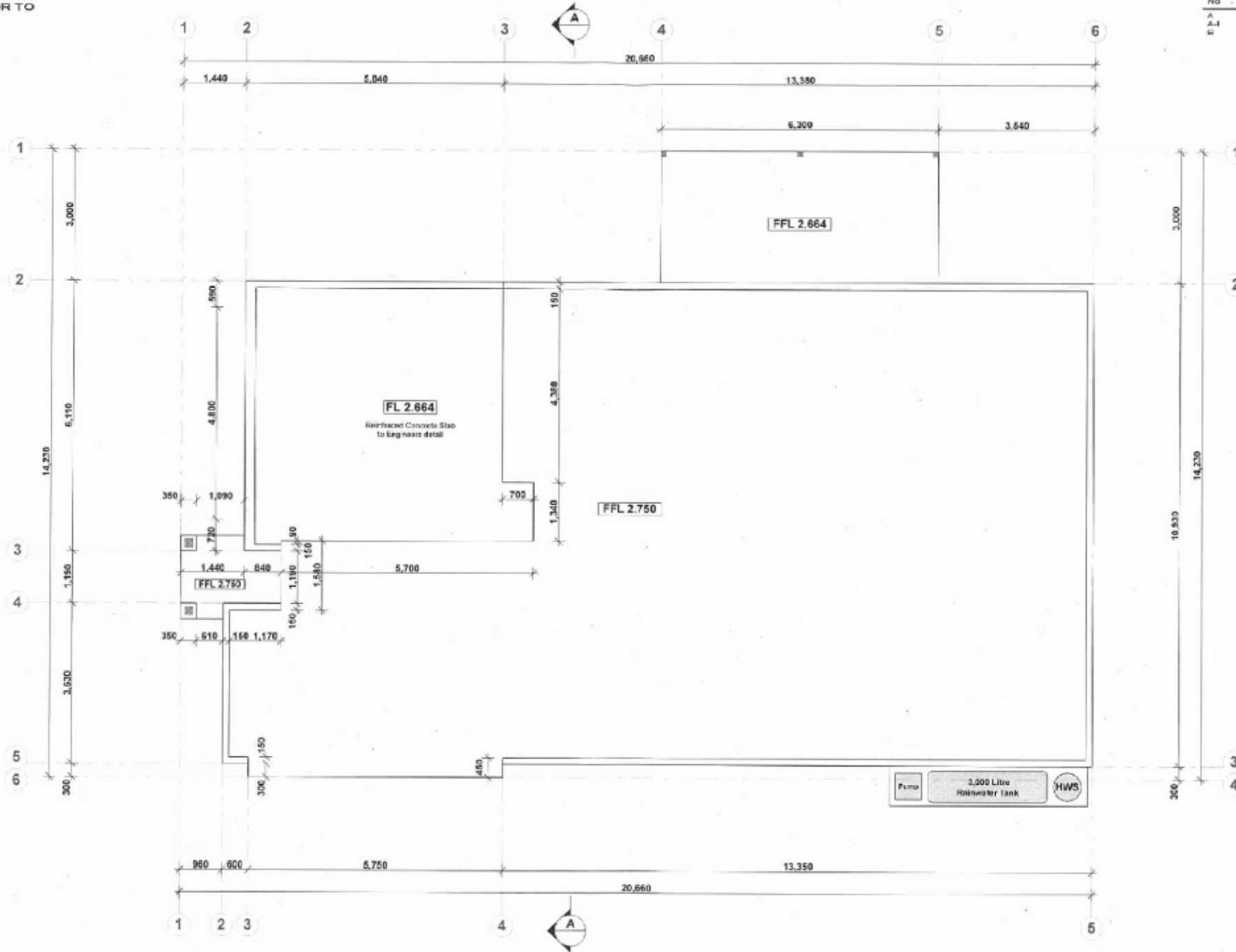
CLIENT
ROWSON
PROJECT ADDRESS
NO.56 LOT 8 ASTON WILDE AVENUE,
CHITTAWAY BAY NSW 2261
DP1103066

DESIGNED BY:	G.J.GH	DRAWN BY:	CS
SCALE:	1:200	ISSUE:	DA-CC
DATE:	10 MAY 2012	REVISION:	B
DRAWING NO:	A-08	PROJECT NO:	87

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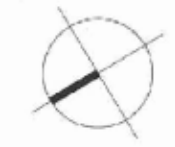
NOTE: BUILDER TO VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO AND DURING CONSTRUCTION

REVISION		
NO	DESCRIPTION	DATE
A	PRELIMINARY STAGE	11.4.2012
A-1	PRELIMINARY STAGE	16.2.012
B	DA-CC SUBMISSION	15.4.2012



CONCRETE SLAB PLAN
SCALE - 1:100

0M 1 2 3 4 5
SCALE 1:100 (A3)



G.J. Gardner. HOMES
"We're Great Together"

PROPOSED
SINGLE STOREY RESIDENCE

DRAWING TITLE
CONCRETE SLAB PLAN

CLIENT
ROWSON
PROJECT ADDRESS
NO.56 LOT 8 ASTON WILDE AVENUE,
CHITTAWAY BAY NSW 2261
DP 1103066

DRAWING NUMBER
A-10

DESIGNED BY:	G.J.G.H	DRAWN BY:	CS
SCALE:	100	ISSUE:	DA-CC
DATE:	10 MAY 2012	REVISION:	R
DRAWING NO:	A-10	PROJECT NO:	B7

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3.3 RZ/3/2012 - Planning Proposal (Rezoning) - Craigie Avenue Precinct Kanwal

TRIM REFERENCE: RZ/3/2012 - D03072073

MANAGER: Martin Johnson, Manager Land Use Planning and Policy Development

AUTHOR: Rodney Mergan; Senior Planner

SUMMARY

This report relates to a rezoning application (Planning Proposal) which seeks to rezone an area of land located opposite Wyong Hospital to a mix of business, residential and conservation purposes. The subject land is currently zoned 10A existing Investigation Precinct Zone. A review of information submitted has concluded that the proposal may be forwarded for a "Gateway Determination" from the Department of Planning and Infrastructure (DOPI).

Applicant:	Paradigm Planning & Development Consultants P/L
Owners:	Seaforth Securities Pty Ltd and others
Proposal No.:	RZ/3/2009
Description of Land:	Lot 1 DP 608551 Lot 7 DP 29564 Lot 1 DP 410624 Lots 6,7 & 8 DP 21768 Lot 11 DP 804398 Lot 1 DP 650180 Lots 1, 4 & 5 DP 30506 Lot 23 DP 609002 Lot A DP 389662
Zoning:	10A Investigation Precinct Zone
Existing Uses:	Residential, commercial, vacant grazing land and remnant vegetation.
Employment Generation	Construction and potential employment generating uses
Estimated Value:	Rezoning proposal only

RECOMMENDATION

- 1 ***That Council initiate the Local Environmental Plan "Gateway" process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 by preparation of a Planning Proposal.***
- 2 ***That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a "Gateway" determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act.***

- 3 *That subject to the determination of the Gateway Process, Council negotiate a Funding Agreement with the applicant to finance the ongoing assessment of the rezoning proposal and to ensure the inclusion of the entire Craigie Avenue Precinct in the rezoning proposal.*
- 4 *That Council undertake community consultation regarding the Planning Proposal, subject to the determination of the Gateway Process.*
- 5 *That a further report be submitted to Council to report on results of the community consultation.*

BACKGROUND

The site consists of 13 lots currently zoned 10(a) Investigation Precinct Zone under Wyong Local Environmental Plan 1991 (WLEP). For the purposes of this report the land will be identified as the Craigie Avenue Precinct (CAP).

The CAP is identified within Precinct 8b in the Wyong Residential Development Strategy 2002 (RDS), an area considered suitable for potential urban release in the medium term and is identified in the draft Wyong Shire Settlement Strategy to be retained as an urban investigation precinct.

The CAP has not been identified in the exhibited draft North Wyong Shire Structure Plan (NWSSP) however it is understood that the Department of Planning and Infrastructure (DoPI) intend to identify the land in the final NWSSP as an area suitable for redevelopment as a support precinct to Wyong Hospital.

Council initially received a rezoning proposal for Lot 1 DP 608551, the largest lot within the CAP which is owned by Seaforth Securities. Council has since indicated to the applicant that the rezoning should apply to all the land within the CAP. The applicant has indicated that they do not wish to become involved in the rezoning of the extended area and indicated that they object to having their rezoning proposal included in an extended proposal as it may lead to delays. Council has informed the applicant of its intent to provide a Planning Proposal to DoPI (Gateway) involving all lots within the CAP.

The intent of this report is to inform Council of the proposed rezoning and in this instance seek the support of Council for the advancement of the rezoning process. If supported a formal Planning Proposal will be prepared and forwarded to the DoPI for consideration.

CURRENT STATUS**The Site****Figure 1 – Craigie Avenue Precinct**

The entire site is zoned 10(a) Investigation Precinct Zone under Wyong Local Environmental Plan 1991 (WLEP). Craigie Avenue divides the site into two distinct sections of south and north.

- **CAP-South**

The southern section is bordered by Pacific Highway, Craigie Avenue and Pearce Road, Kanwal. The site generally falls towards the relatively low-lying vegetated land to the south-west of the site.

The majority of the site has been cleared with forest remnants remaining toward the south-west. The Pearce Road and Craigie Avenue frontages are occupied for residential purposes with the exception of the site at the intersection of these two roads which supports an existing service station and general store. The cleared land is currently grazed with the remnant vegetation to the south-west protected from access.

- **CAP-North**

The northern section has been fully developed and contains an existing vehicle sales and rental yard, veterinary hospital and several dwelling houses. There is a vacant ex-service station site and a section of disused road owned by the Roads and Maritime Service (RMS).

- **Surrounding Land Uses**

The most significant development in the area is Wyong Hospital and adjoining related uses located on the opposite side of the Pacific Highway to the subject site. Kanwal residential area is located to the east of the site and several retirement village developments have recently been constructed to the south of the site.

The area is under transition with the expansion of the hospital site along with new aged care facilities and residential development in the area. There are still several relatively substantive rural properties located in the area, currently zoned 10(a) Urban Investigation that are yet to be considered for redevelopment.

THE PROPOSAL

The proposal is to amend WLEP 1991 by rezoning the majority of the land B6 Enterprise Corridor. Draft Wyong Local Environmental Plan 2012 currently indicates that the future zoning of the vegetated land to the south of the site will be E2 – Environmental Conservation.

The proposed B6 Enterprise Corridor Zone provides for a range of employment uses including business, office, retail and light industrial uses along with mixed use residential uses. The B6 zone limits retail activity in order to maintain the economic strength of surrounding retail centres. It has previously been agreed by Council and the applicant that the B6 zone would be the most appropriate zoning for the majority of the CAP.

ASSESSMENT

In support of the application, a draft Planning Proposal has been submitted by the applicant.

The draft Planning Proposal has been reviewed considering:

- Any additional information required for Council to adequately consider the merit of the proposal
- Additional information that may be required for forwarding to the Department of Planning and Infrastructure as part of the Gateway process.
- Information required to permit the entire CAP to be considered as part of this rezoning proposal.

Issues considered include appropriate zoning, potential flood liability, vegetation and any impact on ecologically endangered communities (EEC), bushfire, traffic, servicing, potential contamination and urban design. A table discussing the issues considered is attached to this report.

In summary, it is considered that sufficient information has been provided to allow Council to assess the merit of forwarding the proposal to the Gateway.

OPTIONS

As previously discussed the rezoning proposal has been lodged by the owner of the largest lot within the CAP. Council has indicated to the applicant that the appropriate zoning of the entire Precinct should be dealt with in a single proposal. Options for dealing with this proposal are discussed below.

Option 1: Proceed to Gateway Determination – All lots within the CAP

Though it is clear there will be further information required prior to any final determination of this proposal, it is considered that no additional information is required to determine the viability of the proposal for submission to Gateway.

To this stage there has been no contact made with other landowners within the CAP by the applicant. Council has written to the other landowners informing them of the proposal and the report to Council.

While this is the preferred option, it will involve further consideration of appropriate cost sharing and how to best streamline the process:

- **Cost Sharing Option A: Insist costs shared by all landowners**

This would seem to be reasonable given there is potential for all landowners to gain from the rezoning. However all lots are individually owned, relatively small and have sustainable land uses already in place. The process of engaging the thirteen landowners and getting satisfactory agreement on financial involvement is likely to be a significant drain on Council resources and delay the rezoning process.

- **Cost Sharing Option B: Council share the cost of funding the additional studies required for determination of the rezoning**

In accordance with Council's Annual Plan the rezoning process is divided into three phases where assessment fees are submitted as certain milestones are reached. Following a determination by Council, to further a rezoning application, Phase 2 of the rezoning process will commence. In addition to the submission of Phase 2 fees, the applicant will also be required to enter a Planning Proposal Funding Agreement with Council. This provides an opportunity for Council and the applicant to negotiate appropriate funding of required future studies and any other costs involved in rezoning the entire CAP. This would potentially involve the applicant amending or revising commissioned studies and could be dealt with as a reduction in fees required for the assessment of the application. This is likely to be more cost (and time) effective than trying to engage and reach agreement with all landowners regarding costs and appropriate zonings.

Additional studies required to add the land north of Craigie Avenue are likely to be for site contamination and additional traffic impacts. Further clarity will be provided via the Gateway Determination of this proposal.

This is the preferred option and is included as Point 3 of the recommendation

- **Cost Sharing Option C: Costs of all studies borne by current applicant**

It is unlikely that this option can be considered as equitable and would continue to delay the redevelopment of the CAP.

Option 2: Proceed to Gateway Determination Subject to Certain Matters (additional information)

Historic land use records would indicate that some sites will require some site remediation resulting from potentially contaminating land uses. There will also be some further information required on several other issues such as traffic and vegetation significance.

It is considered that further supporting information is not required prior to forwarding the proposal for Gateway Determination and would only serve to increase the potential costs prior to the appropriate degree of certainty being provided.

Option 3: Proceed to Gateway – Southern lots or applicant’s lot only

The applicant believes that this option would best serve their interests as it would avoid any possible delay caused by the inclusion of additional lots and any issues that could come from this including any constraints on these lots, resistance from the landowners or any dispute over funding.

Council resources are best spent in dealing with the entire precinct in one process. In addition, rezoning the entire precinct at one time may also provide for greater commercial opportunities.

Option 4: Not Proceed with Rezoning at all

The proposal appears to have viability and is consistent with Council’s Strategic Planning Documents, therefore this option is not supported.

Option 5: Not Proceed with Rezoning until the applicant has engaged and included all the landowners in the process.

This would delay the project indefinitely.

STRATEGIC LINKS

Draft North Wyong Shire Structure Plan

The site has not been identified in the exhibited draft North Wyong Shire Structure Plan (NWSSP) however it is understood that the DoPI intend to identify the land in the final NWSSP as an area suitable for redevelopment as a support precinct to Wyong Hospital.

Section 2.5.5 of the NWSSP indicates that new jobs are likely to be located in new centres and specialised employment nodes that form around major employment nodes such as the hospital.

Draft Settlement Strategy

The Draft Settlement Strategy identifies this proposed rezoning as a high or No.1 priority for Council.

Wyong Shire Council Strategic/ Annual Plan

The Annual Plan and 4 Year Delivery Plan are Council's short to medium term plans outlining the strategic role that Council will play in delivering the community's strategic vision. Council has 12 Principal Activities, each activity provides a set of services to the community and the Delivery Plan and Annual Plan show the net cost of each service.

The following Table lists the 12 Principal Activities and identifies any relevant service and related key actions and objectives.

Principal Activity	Service	Key Action and Objectives	Funding Source and Description	Impact on Key Performance Indicators/ Service Performance Indicators
1 Community & Education	1.01 Community Cultural Development	Provide and maintain community facilities across the Shire	Developer Contributions	Potential to develop and enhance community facilities in this area.
2 Community Recreation	2.01 Open Space 2.02 Sport, Leisure & Recreation	Provide and maintain open space, sports fields and recreation facilities across the Shire	Developer Contributions	Marginal increase in utilisation of facilities. Additional contributions will be collected.
3 Economic & Property Development		There will be a strong sustainable business sector		The development of this site provides opportunity for new business opportunities taking advantage of the location near the Hospital
4 Council Enterprises	None relevant			
5 Regulatory	None relevant			
6 Environment & Land Use	6.02 Environment & Natural Resources	Preparation/implementation of Natural Resources Strategy and Biodiversity Management Plan	Various – opportunity for development sponsored biodiversity conservation	Strategies still in preparation – KPIs to be developed
	6.03 Land Use Planning & Policy Development	Increase revenue from full cost recovery and rezoning fees	Developer Funded	No net cost to Council in assessing this proposal.
7 Waste	7.01 Waste	Provide regular domestic waste & recycling service	Revenue	Marginal increase in number of collections per week when developed. Additional rates will be collected from new lots.

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
8 Roads & 9 Drainage	None relevant	Ease of Travel	Developer Funded	Potential upgrade of roads and drainage required
10 Water & 11 Sewerage Services	10.01 Water & Sewerage	Provide safe & reliable drinking water and the treatment and disposal of sewerage collected. Provide essential community services in cost effective & sustainable manner	Developer funded Contributions Revenue	New local reticulation infrastructure to be constructed at developer cost Increased head works contributions will be collected Additional rate revenue will be generated
12 Administration	None relevant			

Long term Financial Strategy

The Long Term Financial Strategy recognises that operating revenue (excluding capital grants) has not covered operating expenditure to maintain existing services and levels of service. Additionally, the required maintenance and renewals of existing assets cannot be funded. The Long Term Financial Strategy is aimed at providing a framework in which Council “can assess its revenue building capacity to meet the activities of and level of services outlined in the Community Strategic Plan.”

Under the Financial Strategy, it is essential that this Planning Proposal achieves the following funding arrangements:

1. To this point the processing of the rezoning application has been funded by fees lodged for Phase 1 Rezoning Applications in accordance with Council’s Annual Plan – Fees and Charges.

Further costs of processing the application are able to be satisfied through establishing a funding agreement with the developer prior to the application reaching the next stage of assessment in accordance with Council’s Planning Proposal Procedure.

2. The development is to contribute to the cost recovery or funding of any services and or facilities that will be utilised by the future residents generated by the development. This is expected to be satisfied through existing developer contribution plans.
3. Any new transport, water or sewer services infrastructure, required to service the development that is not identified in an existing contribution plan, is to be fully funded by the developer, unless it is reasonably able to be added to an existing contribution plan as essential infrastructure.
4. Development density should be optimised to achieve cost recovery for services and facilities (water, sewer, drainage, waste) through rate and annual levy charges. This is a development design consideration addressed at development application stage.

5. New assets required to service the development should be minimised as far as possible.

The development may require its own stormwater quality treatment facility. The long term management costs of this facility may need to be assessed during the rezoning process to determine if a commitment from the developer is required to fund these costs.

6. The proposal should demonstrate and achieve net community benefits resulting from the future development of the land.

If approval to forward the proposal to Gateway is granted, it is proposed to discuss these issues with the developer and adjoining landowners to ensure the funding arrangements are satisfied prior to further progress of the rezoning.

Asset Management Strategy

The ongoing maintenance of water supply services, sewerage services, drainage services and stormwater management are funded through annual charges levied by Council. The location of the land, being adjacent to existing residential development and hospital precinct, minimises the length of lead in infrastructure, and is able to utilise existing major infrastructure of roads, sewerage treatment and water supply. Provided the existing major infrastructure has the capacity to cater for the additional load, it is considered the proposal has potential to provide sustainable assets.

Workforce Management Strategy

To this stage the rezoning application is to be processed by Council staff and funded by the developer in accordance with the requirements of Council's Strategic Plan. Future funding will also be in accordance with Council's Strategic Plan and a Planning Proposal Funding Agreement between the applicant and Council.

Link to Community Strategic Plan (2030)

The Community Strategic Plan identifies 8 priority objectives, each supported by a range of actions. The Planning Proposal is assessed as follows.

1. Communities will be vibrant, caring and connected.

Increase in business activity and in particular medical related uses will be beneficial to the community.

The Planning Proposal is consistent with the Wyong Shire-wide Settlement Strategy and the Central Coast Regional Strategy.

2. There will be ease of travel.

Any negative impact on local traffic conditions will be dealt with as part of the assessment of the proposal. Any upgrading required as a result of the proposal will be funded by the proponent.

3.3 RZ/3/2012 - Planning Proposal (Rezoning) - Craigie Avenue Precinct Kanwal (contd)

3. Communities will have a range of facilities and services.

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

4. Areas of natural value will be enhanced and maintained.

The assessment of the proposal will require natural areas to be maintained. Any existing contamination and drainage issues will be dealt with in the assessment of the proposal.

5. There will be a sense of community ownership of the natural environment.

The proposed development will be required to maintain the significant natural land on the site. Development will be required to address these areas.

6. There will be a strong sustainable business sector.

The proposal will promote business in an area where there is an expectation of population growth adjoining a hospital facility which is also likely to grow and have increased need for support industry.

7. Information and communication technology will be world's best.

While the proposal is unlikely to directly contribute to this objective, the types of land uses likely to take up residence on this land will demand that suitable levels of communication technology are in place.

8. The community will be educated, innovative and creative.

The proposal will provide employment and as a consequence education opportunities.

Budget Impact

The processing of the Planning Proposal is being funded by the developer in accordance with the requirements of Council's Strategic Plan – Statement of Revenue Policy. The ongoing funding will be confirmed by the completion of a Planning Proposal Funding Agreement between Council and the applicant.

CONSULTATION

Internal consultation has been undertaken across relevant sections of Council. Consultation with the applicant and owner has also been undertaken. Council has informed the other landowners within the Craigie Avenue Precinct of the proposal and the report to Council. Community consultation and government agency referrals will be undertaken following the Gateway Determination.

GOVERNANCE AND POLICY IMPLICATIONS

The processing of the Planning Proposal is being undertaken in accordance with Council's adopted procedure.

Rezoning of the land is undertaken by preparing an amendment to the local environmental plan (currently Wyong LEP 1991) through progressing of a Planning Proposal under sections 55-59 of the Environmental Planning and Assessment Act 1979.

Section 55 requires Council to prepare a Planning Proposal that explains the intended effect of the amendment to the LEP and sets out the justification for the amendment. Section 55 specifies matters to be included in the Planning Proposal.

Section 56 provides that Council submit the Planning Proposal to the Minister (DoPI) for a Gateway Determination. DoPI will advise whether or not the matter should proceed (with or without variation), and may specify further studies or modifications to the Proposal, community and government agency consultation requirements and other matters.

The timing of the making of draft Wyong LEP 2012, which is in the Standard LEP format, will affect the Planning Proposal. It is anticipated that the Planning Proposal will form an amendment to Wyong LEP 2012.

MATERIAL RISKS AND ISSUES

Corporate risks to be addressed for the Planning Proposal are:

1. Infrastructure Provision:
 - a. Ensure future development of the land is subject to existing Contribution Plans,
 - b. Ensure any new infrastructure required to service the development is funded by the developer or able to be recovered through developer contributions (depending whether infrastructure is already identified in Contributions Plan/s, or the Contributions Plan/s require updating),
2. Service Capacity
 - a. Ensure existing water and sewer headworks and mains have capacity to cater for the increased load, and identify any necessary upgrades required,
 - b. Ensure any upgrades are funded by the developer,
3. Sustainability
 - a. Ensure stormwater/drainage infrastructure is designed to cater for increased storm intensities predicted to occur as a result of climate change,
4. Political
 - a. Ensure the community consultation process is open and transparent,
 - b. Ensure Councillors are adequately briefed,

**3.3 RZ/3/2012 - Planning Proposal (Rezoning) - Craigie Avenue Precinct
Kanwal (contd)**

5. Certification/Governance
 - a. Ensure appropriate consultation with other levels of government during the consultation phase,
 - b. Ensure legislative procedures for Planning Proposals are followed,
6. Asset Management
 - a. Assess long term maintenance requirements and renewal costs of proposed new assets and the capacity for rate/levy income from future new residential lots to fund these costs.

CONCLUSION

The proposed rezoning has considerable merit given the location of the site in relation to the hospital and transport services. Environmental considerations are relatively minor and can be adequately managed.

While there are several issues that will need to be resolved with prior to public exhibition, no issues have been identified in the assessment process that are unable to be resolved.

Subject to the preparation of a formal Planning Proposal, the proposed rezoning is considered suitable for submission to the Minister of Planning and Infrastructure for a Gateway Determination.

ATTACHMENTS

- | | | |
|---|-------------------------------------|-----------|
| 1 | Draft Planning Proposal (A4 Colour) | D03142607 |
| 2 | Preliminary Assessment Table | D03142604 |



Draft Planning Proposal

Craigie Avenue Kanwal

Request No. RZ/3/2012

Contents

Part 1 Objectives or Intended Outcomes	2
Part 2 Explanation of Provisions	3
Part 3 Justification	3
<i>Section A – Need for the Planning Proposal</i>	3
<i>Section B – Relationship to strategic planning framework</i>	5
<i>Section C – Environmental, Social and Economic Impact</i>	10
<i>Section D – State and Commonwealth Interests</i>	15
Part 4 Community Consultation	15
Attachments and Supporting Documentation	16

Part 2 Explanation of Provisions

Under Wyong LEP 2012

Amendment of Wyong LEP 2012 (currently draft) Land Zoning Map Zoning of the majority of Lot 1 to B6 Enterprise Corridor Zone, zoning of the vegetated flood prone area of Lot 1 to E2 Environmental Conservation.

- The rezoning of the remaining lots within the Precinct to B6 Enterprise Corridor
- Inclusion in the Building Height Map with a maximum building height varying from 12 to 18 metres.
- Inclusion in the Floor Space Ratio Map with a maximum FSR of 1.5:1.

Part 3 Justification

Section A – Need for the Planning Proposal

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

The land is currently zoned 10(a) Urban Investigation under Wyong Local Environmental Plan 1991 (WLEP) and is identified within Precinct 8b in the Wyong Residential Development Strategy 2002 (RDS), an area considered suitable for potential urban release in the medium term.

The site has not been identified in the exhibited draft North Wyong Shire Structure Plan (NWSSP) however the land will be identified in the final NWSSP as an area suitable for redevelopment as a support precinct to Wyong Hospital.

Section 2.5.5 of the NWSSP indicates that new jobs are likely to be located in new centres and specialised employment nodes that form around major employment nodes such as the hospital.

Wyong Shire Council's Draft Settlement Strategy identifies this proposed rezoning as a high or No.1 priority.

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

As the site is currently within an Investigation Zone which prohibits most forms of development, the planning proposal is the best means of achieving the intended outcome. The B6 Enterprise Corridor Zone is the most appropriate and does not have an equivalent zone within the existing Wyong LEP 1991. The B6 zone is described in the Department's guidelines (PN 06-002) as:

B6 Enterprise Corridor

The zone is generally intended to be applied to land where commercial or industrial development is to be encouraged along main roads such as those identified by the metropolitan, regional and subregional strategies. The zone provides for uses such as 'business premises,' 'hotel or motel accommodation,' 'light industries,' 'hardware and building supplies,' 'garden centres' and 'warehouse or distribution centres.' Retail activity needs to be limited to ensure that Enterprise Corridors do not detract from the activity centre hierarchy that has been identified or planned.

Opportunities for urban consolidation along busy roads may be pursued and some residential accommodation uses may be included in this zone, if considered appropriate. In 2011, a zone Direction was included to clarify that where any type of residential accommodation is included in the Land Use Table, an additional zone objective must also be included relating to the provision of residential uses 'only as part of a mixed use development'.

The draft Centres Policy (2009) suggests uses typically to be found within a B6 zone:

- hardware (timber) and building supplies, and landscape and garden supplies
- vehicle sales or hire premises
- industry and retailing associated with that industry
- warehouse and distribution centres
- business premises
- residential as part of a mixed use development
- motel accommodation
- service stations and fast food outlets.

To these would be added the full range of health services facilities given the location of the site as well as residential uses as part of mixed use development. The site has the potential to provide for a specialist medical centre, private hospital or other health services facilities as well as accommodation with easy access to the hospital precinct.

3. *Is there a net community benefit?*

There is a significant Net Community Benefit arising from the planning proposal as it will facilitate the development of currently underutilised strategically located lands for employment generating purposes and also for uses which may enhance the range of services and facilities provided as part of the Specialised Centre based around the Wyong Hospital.

Section B – Relationship to strategic planning framework

Central Coast Regional Strategy

The Central Coast Regional Strategy was adopted in 2008 and identifies a need for an additional 39,500 dwellings in Wyong Shire by the year 2031, of which 16,000 will be in new Greenfield release areas and 23,500 in centres.

Regional challenges acknowledged in the Strategy include “implementing a centres hierarchy that clearly defines the roles and relationships of centres” and “revitalizing town centres to attract both residential and business investment”. The Strategy requires local Council’s to determine the form, location and desired character for each centre. The area around Wyong Hospital has the potential to develop as a Specialist Centre for the purposes of the Strategy which will provide for important diversity in jobs within the Wyong LGA without impacting on the potential for revitalization and development of town centres for housing and employment.

Draft North Wyong Shire Structure Plan

The draft Structure Plan identifies that the total workforce for the Wyong LGA in 2006 was around 58,700 and a number of initiatives are required to improve employment opportunities (section 2.5.3 Economy and employment) including “*strengthening employment focus of existing magnet employment infrastructure, for example, the hospital.....*”.

In section 2.5.5 Employment capacity targets it is noted that the Central Coast Regional Strategy establishes a minimum employment capacity target for the Structure Plan area of 12,000 additional jobs by 2031, of which at least 4,800 must be created outside of the Warnervale Town Centre or the Wyong Employment Zone. These new jobs are noted as likely to be created in locations including “*new centres and specialized employment nodes that form around major employment nodes such as the hospital, schools and the power station*”.



Figure 2 – Potential employment node/specialist centre designation in the Draft NWSSP

Draft Settlement Strategy

Wyong Shire Council’s Draft Settlement Strategy – Section 9 – Land Use Strategy recognises that this proposed rezoning has been submitted and identifies the processing of this proposal as a high or No.1 priority.

The Craigie Avenue Precinct is not specifically mentioned in Planning for Economy and Employment Section of the Draft Settlement Strategy given that the Planning Proposal has already been lodged with Council.

The proposal is consistent with an objective mentioned in this Section of the Draft Settlement Strategy which states that:

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

4. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Wyong Shire Council Strategic/ Annual Plan

The Annual Plan and 4 Year Delivery Plan are Council's short to medium term plans outlining the strategic role that Council will play in delivering the community's strategic vision. Council has 12 Principal Activities, each activity provides a set of services to the community and the Delivery Plan and Annual Plan show the net cost of each service.

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Principal Activity	Service	Key Action and Objectives	Funding Source and Description	Impact on Key Performance Indicators/ Service Performance Indicators
4 Council Enterprises	None relevant			
5 Regulatory	None relevant			
6 Environment & Land Use	6.02 Environment & Natural Resources	Preparation/implementation of Natural Resources Strategy and Biodiversity Management Plan	Various – opportunity for development sponsored biodiversity conservation	Strategies still in preparation – KPIs to be developed
	6.03 Land Use Planning & Policy Development	Increase revenue from full cost recovery and rezoning fees	Developer Funded	No net cost to Council in assessing this proposal.
7 Waste	7.01 Waste	Provide regular domestic waste & recycling service	Revenue	Marginal increase in number of collections per week when developed. Additional rates will be collected from new lots.
8 Roads & 9 Drainage	None relevant	Ease of Travel	Developer Funded	Potential upgrade of roads and drainage required
10 Water & 11 Sewerage Services	10.01 Water & Sewerage	Provide safe & reliable drinking water and the treatment and disposal of sewerage collected. Provide essential community services in cost effective & sustainable manner	Developer funded Contributions Revenue	New local reticulation infrastructure to be constructed at developer cost Increased head works contributions will be collected Additional rate revenue will be generated
12 Administration	None relevant			

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

SEPP	Consistency
<p>SEPP 55 – Remediation of (contaminated) Land This SEPP aims to promote the remediation of contaminated land for the purposes of reducing the risk to human health and/or the environment.</p>	<p>The various parcels within the Craigie Avenue precinct are used for a variety of purposes including single residential dwellings, veterinary surgery, truck and bus rental yard and service station/general store. There is some possibility that some of these uses may have potentially caused land contamination.</p> <p>It is acknowledged that some of these land uses may have resulted in potential land contamination and will require some remediation. It is unlikely that any of the remediation required would preclude the cost-effectiveness of the rezoning of the land.</p> <p>It is considered that this planning proposal does not need to be supported by a preliminary contaminated land assessment and report to satisfy the requirements of SEPP55 at this stage given the relatively potential for contamination and varying circumstances of the land involved. A preliminary assessment report will be prepared following Gateway Determination for the rezoning proposal.</p>
<p>SEPP 64 – Advertising and Signage This SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP also regulates outdoor advertising in transport corridors and aims to ensure public benefits may be derived from advertising along and adjacent to transport corridors.</p>	<p>Development applications for future development on the land will need to comply with the requirements of the SEPP and with the Council's advertising DCP. The planning proposal will not result in development outcomes which are inconsistent with the objectives of the SEPP or which would require advertising structures which would not comply with the provisions of the SEPP.</p>
<p>SEPP 65 – Design Quality of Residential Flat Buildings Aims to raise the design quality of residential flat development across the state through the application of a series of design principles. Flat buildings may be constructed under the definition of shop top housing in the B6 zone.</p>	<p>It is intended to develop Urban Design Guidelines for the Craigie Avenue Precinct. These Guidelines, application of the SEPP, Council's DCP and height and FSR requirements of the LEP shall ensure development is suitable for the locality.</p>
<p>SEPP (Infrastructure) 2007 Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.</p>	<p>Development of the land is likely to result in what is considered Traffic Generating Development under the SEPP.</p> <p>Development of the site adjacent to the Pacific Highway and a signalized intersection will require the input of RMS.</p> <p>A report on Traffic and Transport and consultation with RMS will occur following Gateway Determination of this proposal.</p>

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

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

- 1.1 Business and Industrial Zones
- 2.1 Environmental Protection Zones
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Ministerial Direction	Consistency
<p>1.1 Business and Industrial Zones The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.</p>	<p>This planning proposal is consistent with this direction as it creates new employment land without impacting on existing employment and industrial areas or on existing centres. It will assist in the creation of a more viable specialized centre based around the Wyong Hospital.</p>
<p>2.1 Environmental Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>It is considered that the planning proposal is consistent with this direction. The southern boundary of the precinct is formed by a drainage line containing high quality Paperbark Forest, a small part of which is within Lot 1 DP 608551. However, it is not proposed that the paperbark forest be zoned B6 Enterprise Corridor and it will be considered for an appropriate environmental zone with Wyong LEP2012.</p>
<p>4.2 Mine Subsidence and Unstable Land The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence</p>	<p>It is considered the planning proposal is consistent with this direction. The site is within the Swansea-North Entrance Mine Subsidence District and will be subject to design parameters for subsidence. However, given adjoining residential development, Wyong Hospital and other significant development, the likely subsidence parameters will not be inconsistent with the form of development to be permitted under the planning proposal.</p>
<p>4.3 Flood Prone Land The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government Flood Prone Land policy, the principles of the Floodplain Development Manual 2005 and to ensure the provisions of an LEP on flood prone land is commensurate with the flood hazard.</p>	<p>It is considered that the planning proposal is consistent with this direction. The majority of the site is flood free although a small part of the southern portion of Lot 1 DP 608551 is flood prone as a result of local flooding upstream of the Pacific Highway. This area is contiguous with the Paperbark Forest and there will generally not be flood prone land included within the B6 Enterprise Corridor Zone. Any encroachment will be minor and able to be addressed through siting and design considerations within the future development application process.</p>

<p>4.4 Planning for Bushfire Protection</p> <p>This direction provides requirements to be fulfilled for draft LEPs that affect land mapped as bushfire prone land. The objectives of the direction are to protect life, property and the environment from bushfire hazard by discouraging the establishment of incompatible land uses in bushfire prone areas and to encourage sound management of bushfire prone areas.</p>	<p>It is considered that the planning proposal is consistent with this direction.</p> <p>The subject site is mapped as bushfire prone land and buffer area by virtue of the paper bark forest to the south.</p> <p>However, as Lot 1 is the largest parcel within the precinct it is considered that any future development can be sited, designed and constructed to mitigate the bushfire threat. There will be no difficulty complying with <i>Planning for Bushfire Protection 2006</i> as part of the development application/assessment process. A Bushfire Assessment report will be prepared following Gateway Determination for the rezoning proposal and will inform preparation of setback and APZ controls for inclusion in a subsequent DCP.</p>
<p>5.1 Implementation of Regional Strategies</p> <p>The objective of this direction is to ensure draft LEPs are consistent with regional strategies such as the Central Coast Regional Strategy.</p>	<p>The planning proposal is considered to be consistent with the Central Coast Regional Strategy and the sub-regional North Wyong Shire Structure Plan.</p> <p>The planning proposal is consistent with a key objective of the CCRS to increase the current level of employment self-containment on the Central Coast and is also consistent with the North Wyong Shire Structure Plan which identifies the potential to grow a Specialised Centre around the Wyong Hospital.</p>

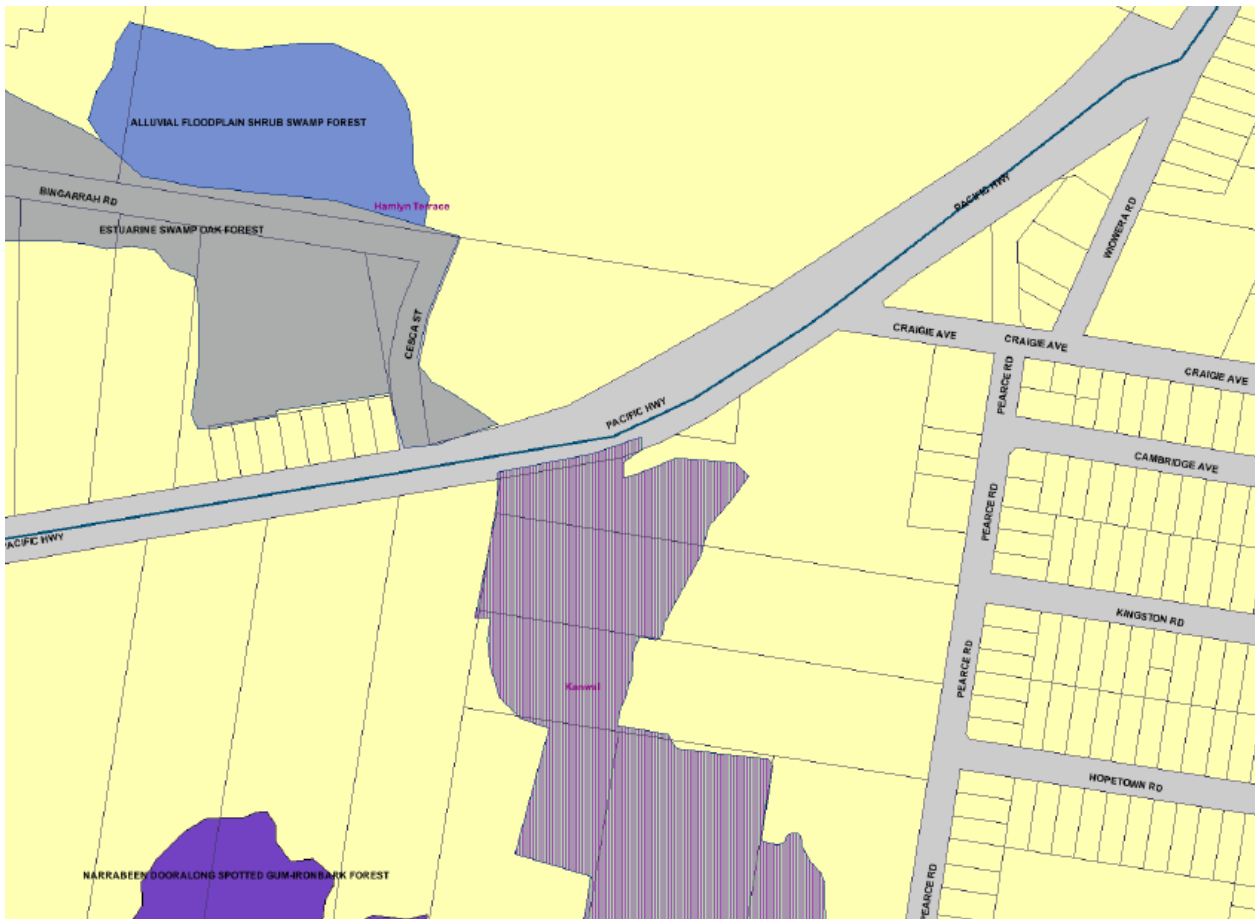
Section C – Environmental, Social and Economic Impact

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

The planning proposal is for land within an existing largely urbanized area and there are no areas of critical habitat nor any known threatened species, populations or ecological communities, or their habitats within the area proposed to be zoned.

The paperbark forest along the southern border of the site was considered as part of DA1009/2008 for a residential care facility and was not identified to contain threatened species, nor to comprise an Endangered Ecological Community.

The vegetation community on the site and adjoining areas are shown in the following extract of Council's vegetation mapping:



While the developable area will be located clear of existing vegetation further investigation of the type and health of vegetation present along with the impact of development taking place adjacent to this vegetation is to be undertaken prior to any public notification of this proposal.

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

Bushfire

Lot 1 DP 608551 includes a small area mapped as bushfire prone land and as buffer land. However, provision of an Asset Protection Zone consistent with *Planning for Bushfires 2006* can be addressed at the development application stage as the site is sufficiently large to provide a high degree of flexibility in siting and design of any future development. A Bushfire Assessment report will be prepared following Gateway Determination for the rezoning proposal and will inform preparation of setback and APZ controls for inclusion in a subsequent DCP. The site and bushfire prone areas are shown below as an extract of Council's bushfire prone land mapping (bushfire prone vegetation in yellow and buffer area in red).



Figure 6 – Bushfire Prone area

Flooding

A small part of Lot 1 DP 608551 is subject to flooding. However, this area is contiguous with the area of remnant vegetation on the site and with the area proposed to be zoned for environmental protection under this rezoning in Wyong LEP2012 rather than for business purposes. Figure 7 shows the area affected by the 1% AEP flood as indicated in Council's most recent flood studies.



Figure 7 – Flood prone land

Traffic generation

The planning proposal will result in an increase in traffic generation in the immediate locality due to development of a number of new uses. There are a number of existing commercial uses within the Craigie Avenue Precinct and traffic generation from those particular sites would not be expected to increase. This includes the existing uses on the Pearce Road sites adjoining the subject site.

For example, Lot 1 is likely to have potential for development of a range of uses under a B6 Enterprise Corridor Zone and therefore any traffic assessment will need to consider the potential traffic

generation of a mix of uses. Using the traffic generation rates as set out in the RTA Guide to Traffic Generating Developments, one potential scenario would be:

- 50 bed private hospital – peak hour vehicle trips = 30
- 1000 m² specialist medical – peak hour vehicle trips =100
- 100 unit motel/hotel – peak hour vehicle trips = 40
- 500 m² commercial – peak hour vehicle trips = 10
- 90 m² service station – peak hour vehicle trips = 60
- Fast food restaurant – peak hour vehicle trips = 100

Given the potential for a higher level of traffic generation from an alternative mix of uses under the B6 Enterprise Corridor Zone a Traffic and Transport Assessment will be prepared following Gateway Determination for the rezoning proposal. In addition to assessment of the capacity of the existing signalized intersection of Craigie Avenue and Pacific Highway, the assessment will consider capacity and safety of the immediately surrounding local road system and public transport potential.

Traffic management in terms of appropriate site access and egress will also be addressed in the Traffic and Transport Assessment at a general level to establish any relevant parameters to be included in a DCP to guide future assessment of any detailed development proposal.

Visual amenity and landscape character

The site is located along the important Pacific Highway corridor and appropriate setbacks from the highway and a high standard of building design will be required. The building form is proposed to be managed in the first instance through building height and floor space ratio controls to be included in the LEP and secondly through appropriate development controls in the Council's DCP. The design controls for the site will be developed jointly by Council and the applicant following a Gateway Determination for the rezoning.

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

Social

The rezoning of the land will create a demand for community, cultural and recreational services.

The Shire Wide Contributions Plan (library stock, performing arts centre, public art commissions, regional open space and shire cycleway network and administration costs) will apply to future development of the land. The development will generate an increase in the demand for these services and facilities and will be required to contribute under the Plan and meet its share of the cost of these services.

Development under a B6 Enterprise Corridor Zone is likely to include a range of uses from health services to temporary accommodation/motels. There are unlikely to be any significant social impacts arising from the planning proposal, although provision for the expansion of specialist and support health services near the hospital and potentially short term accommodation for visitors, within a mix of uses would have positive social impacts.

Economic

The Planning Proposal has been assessed in terms of Council's Long Term Financial Strategy, Asset Management Strategy and operational budget. Financial impacts and appropriate management measures have been identified to ensure the development funds any specific infrastructure, facilities or services not funded through contributions plans. Assets likely to be acquired by Council as a result of the development are considered likely to be financially sustainable. Processing of the Planning Proposal is to be budget neutral.

The planning proposal is consistent with regional strategies in providing for new employment land and for diversity in employment types. The expansion of the emerging Specialised Centre based around the Wyong Hospital will be an important contributor to the satisfaction of employment targets for northern Wyong Shire.

Section D – State and Commonwealth Interests

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

Public infrastructure is adequate for the development which would be facilitated by the planning proposal. Water, sewerage, electricity and communications infrastructure are all adequate for the proposed development.

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

[to be completed after Gateway Determination]

Part 4 Community Consultation

It is recommended that the proposal be publicly exhibited for a period of 28 days. Depending on the timing of approval, the exhibition may be concurrent with Wyong LEP 2012.

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

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

A public hearing is considered unlikely to be necessary.

Attachments and Supporting Documentation

Document	Attached
1. Amendment of Wyong LEP 2012 Land Zoning Map	
2. Amendment of Wyong LEP 2012 Lot Size Map	
3.	
4. Council Reports and Minutes	

RZ/3/2012 – Craigie Avenue Kanwal – Preliminary Assessment Table

Issue	Detail	Discussion	Proposed Action
Proposed Zonings	<p>Proposed Zonings from applicant are B6 (or B4), R1 and E3.</p> <p>Area currently zoned 10(a) and proposed to go to RU6 & E2 under draft LEP 2012.</p>	<p>Draft LEP 2012 identifies the land proposed as E3 zone by applicant land as E2.</p> <p>B4 would not be appropriate as it permits retail and freestanding residential development. Additional retail would not be consistent with Council's Retail Strategy.</p>	<p>Recommend zones B6 for all land to the north of Craigie Avenue and the majority to the south and some area of E2.</p> <p>The boundary of E2 zone to be determined by ground truthing as to the extent of EEC, flooding and vegetation management and any buffers required. It would appear from Council's assessment that this proposed boundary is unlikely to need significant variation.</p>
Flooding	<p>The site is located on the Porters Creek Floodplain. Current 1% AEP falls within site – the applicant has located the proposed B6 zone boundary to correspond with this line.</p>	<p>Council's Hydrology Engineer has indicated as follows:</p> <p><i>The subject site lies within the Porters Creek catchment for which a Floodplain Risk Management Plan has been prepared. The western part of the subject site near Pacific Highway is flood affected. Proposal to rezoning the subject site must comply with the plan.</i></p> <p>In addition it has been indicated that the 1% AEP line won't be greatly altered with the adoption of the Porters Creek Flood Risk Management Plan.</p> <p>Need to ensure that drainage in the locality is satisfactory and not in need of upgrade. This land looks that it may potentially provide for secondary flows during heavy rainfall periods.</p> <p>Under Draft DCP 2012 we will be looking at requiring hospitals to be constructed off the floodplain and provide access above the Probable Maximum Flood (PMF).</p> <p>The 1% and PMF are to be used to guide the location and scale of development in addition to identifying appropriate land uses.</p>	<p>Land to the north of Craigie Avenue has already been developed and located well above any potential flooding.</p> <p>The applicant will be required to provide information on how site drainage will be dealt with to ensure there is no increase in flooding on the site due to development along with water quality controls (WSUD) prior to public exhibition.</p>

Ecologically Endangered Communities (EEC)	<p>EEC – Disturbed Swamp Oak Floodplain located towards the south-west of the site</p> <p>(Not noted as Green Corridor under NWSP – site drains via EEC land to Porters Creek)</p>	<p>Sparse distribution in the area of proposed rezoning to B6 zone.</p> <p>The applicant has indicated that:</p> <p><i>the paperbark forest along the southern border of the site was considered as part of DA2009/2008 for an adjoining residential facility and was not identified to contain threatened species, nor compromise an EEC.</i></p>	<p>Further information will be required prior to public exhibition. The applicant's response is not considered adequate with regard to this issue.</p> <p>Additional information will be required to identify the abundance and health of EEC, how development will impact and how this will be managed.</p> <p>Vulnerability of this land may impact on the type of development and/or other issues such as water treatment requirements etc.</p>
Other Vegetation	<p>Northern section contains scattered vegetation – both native and introduced. There is a group of native trees on the RMS land.</p>	<p>Health and suitability for site unknown at this stage. Appear to contribute to the character of this area.</p>	<p>Health for retention and whether design should be accommodated should be addressed prior to public exhibition.</p>
Bushfire	<p>Vegetation to the south of site EEC and Category 1 Bushfire. A significant proportion of Lot 1 DP 608551 is bushfire buffer land.</p>	<p>Applicant has indicated that they will provide a Bushfire Assessment Report following Gateway Determination</p>	<p>Further information required prior to public exhibition.</p>
Traffic	<p>The site adjoins a State Road and an associated signalized intersection.</p>	<p>Applicant has indicated that they will provide detailed information following Gateway Determination.</p> <p>Given the potential impact of significant additional development in this locality the proposal was referred to Council's Transport Planning Staff for comment</p> <p><i>The subject site is approximately 35,000 square metres in area. Development of the site to anything other than low to medium density residential could potentially generate a significant volume of traffic and have a negative impact on the efficiency of the surrounding road network.</i></p> <p><i>Rezoning the site to B6 or B4 will permit commercial development.</i></p>	<p><i>A detailed Traffic and Transport Impact study must be provided to Council in support of the proposal in order to adequately assess to potential impact of the proposal. The report should relate to both the northern and southern sections of the Craigie Avenue Precinct</i></p> <p><i>The report is to include consideration of, but not limited to, the following issues:</i></p> <ul style="list-style-type: none"> <i>Detailed analysis if the intersection of Pacific Highway and Craigie Avenue</i> <i>using "Sidra Intersection" including potential traffic generated by the worst case for the types of</i>

Assuming 50% of the site would be GLFA (17,500m²) and a traffic generation rate of 2 trips per 100m² GLFA, traffic generation would be in the order of 350 peak hour trips. While the existing traffic signals at the intersection of Pacific Highway would have been designed to accommodate future traffic growth, however the presence of a large commercial development in close proximity to the intersection would not have been considered in the modelling for the upgrading of the intersection.

Adversely, if the site were developed as low to medium density residential, assuming 70% developable area (24,500m²) at an average lot size of 400m², traffic generation would be in the order of 52 peak hour trips (low density) and 39 trips (medium density) respectively. This level of traffic generation could easily be accommodated on the existing road network.

Traffic generated by commercial development of this site would have an effect on safety in the vicinity of Kanwal Public School. Over a number of years Council has dealt with a number of issues with regard to safety in the vicinity of this school, including speeding and "Rat Running" to avoid Pacific Highway.

The document submitted by Paradigm Planning and Development Consultants (April 2012) does not adequately address the potential traffic and safety impacts of re-zoning the site to B6 or B4. The report suggests a "moderate" increase in traffic arising from the development of the site

development that would be permissible within the proposed B6 or B4 zones. The analysis is to include a 10 year projection of background traffic growth at 3% per annum.

- Site access arrangements. Will the site gain access from Pacific Highway. RTA to confirm
- Pedestrian access across Pacific Highway. Should the ultimate uses of the site become ancillary to the Hospital there will be significant pedestrian movement across Pacific Highway. Consideration should be given as to how pedestrians safely cross the highway and the impact this may have on the operation of the signals.
- The impact of the proposal on Pearce Road, Craigie Avenue and Walker Avenue must be considered. The provision of appropriate traffic control devices must be considered to prevent unwanted through traffic on these roads for safety and amenity of local residents and students of Kanwal Public School.

Services	All available – sewer currently traverses site.	Given the potential impact on the capacity of services the proposal was referred to Water and Sewer. The following comments were provided: <i>The main condition with the re-zoning proposal is to ensure the protection of the gravity main Line BBH by the developer in accordance with Council's policy for building over or adjacent to Council's sewer mains.</i> <i>The capacity of Line BBH is depended on the proposed development and the loading generated. From the contour lines, part of the land east of Line BBH will drain to Line BBH, while the west area will drain to the new gravity main just west of the subject property (refer to plan).</i> <i>The existing mains may provide the sewer services to the proposal subject to the final loading generated by the proposal.</i> <i>In regard to the water supply, there should be no issue.</i> <i>Contributions toward water supply and sewerage will be applicable.</i>	Applicant to be made aware that encasement may be an issue and Contributions will be required. No additional information required at this stage. Indication will need to be provided as to the likely extent of site development to ascertain if sewer upgrade will be required.
Contamination	Historic Rural Uses and an existing petrol station within the southern section. Vacated petrol station and various automotive uses within the northern section	Historic fuel station used going to potential health care or residential uses contamination is a significant issue.	Clause 6 of SEPP 55 requires Council to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. While it is apparent that current and past land use practices on the subject site may have potentially contaminated this site, the site can be remediated to accommodate proposed land uses. The question of the scale of remediation required does not need to be addressed

Urban Design

Applicant has indicated that they will provide detailed information following Gateway Determination for the southern section.

immediately.

There is also the potential that site remediation will improve the run off from the site to Porters Creek Wetland.

This report will be required following a Gateway determination of the LEP. Form of development will be influenced by Gateway Determination. No additional information required at this stage.

This will have an influence on several issues discussed above including Water and Sewer, Flooding and Water Quality, Bushfire, Traffic and the relationship of the development to the existing vegetated area.

Council's Urban Designer will be involved in discussions on this issue.

3.4 Adoption of DCP 2005 - Development Controls for Wyong Shire

TRIM REFERENCE: F2006/01898 - D03129656

MANAGER: Martin Johnson, Manager Land Use Planning and Policy Development

AUTHOR: Peter Kavanagh; Senior Planner

SUMMARY

This report details the results of public exhibition of Draft Development Control Plan 2005: Development Controls for Wyong Shire, and recommends that the revised DCP Chapters be adopted by Council.

RECOMMENDATION

- 1 That Council adopt revised Development Control Plan 2005: Development Controls for Wyong Shire (DCP 2005) and direct the General Manager to provide appropriate public notice within 28 days that:**
 - **Chapters 1, 2, 4, 8, 17, 18, 19, 22, 26, 31, 32, 33, 34, 37, 44, 46, 54, 59, 72, 74, 85, 86, 87, 89, 92, 105, and 111 have been repealed and:**
 - **That draft Chapters 36, 61, 66 and 67 will come into effect as Chapters 36, 61 (including consequential amendments to Chapters 11, 58, 62, 63, 64, 99, and 100 to reflect revised parking rates), 66 and 67 within DCP 2005 on the date specified within that Notice.**
- 2 That Council direct the General Manager to forward a copy of revised DCP 2005 to the Director General of the NSW Department of Planning and Infrastructure within 28 days of the making of the Plan.**
- 3 That Council direct the General Manager to include a notation on Council's Section 149 Certificates to reflect the revised Chapters.**

BACKGROUND

Development Control Plan 2005 (DCP) is a document which supports Wyong Local Environmental Plan (WLEP 1991) and provides Council's requirements for sustainable quality development and environmental outcomes within Wyong Shire. The DCP provides guidance to persons preparing applications for development. Users include designers, builders, residents and Council's Design and Assessment staff.

The WLEP sets the legal framework for land use and development within the Wyong Council area. It maps and provides a set of land use zones to establish what types of development may be permitted on a particular parcel of land with the consent of Council. It also contains a range of provisions, such as those relating to heritage items, floor space ratios and building heights.